

**Fw: Support for Diridon Station Area Plan - Do not change to add more parking**

City Clerk &lt;city.clerk@sanjoseca.gov&gt;

Wed 4/28/2021 9:53 AM

To: Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

**Office of the City Clerk | City of San José**200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

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**From:** Marie Burns [REDACTED]**Sent:** Wednesday, April 28, 2021 9:15 AM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** Support for Diridon Station Area Plan - Do not change to add more parking

[External Email]

Dear City Clerk,

I am a citizen of San Jose and I am writing to express my support for the Diridon Station Area Plan. I do not support changing it to add more parking. Adding more parking will increase congestion and take up space that could be used for other more people focused spaces or buildings. There is sufficient parking in the plan combined with the transit hub to provide access to all events in the area. Adding more parking will be counter to the city's mode shift goals. I want to live in a San Jose that is more walkable and bikeable, less polluted, and less covered in parking lots.

Thank you,

Marie Burns, District 6

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**FW: Diridon Station Area Plan**

Severino, Lori <Lori.Severino@sanjoseca.gov>

Mon 5/10/2021 12:07 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Correspondence for Diridon items scheduled for 5/25

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**From:** Ann Chung [REDACTED]  
**Sent:** Wednesday, May 5, 2021 5:03 PM  
**To:** Severino, Lori <[Lori.Severino@sanjoseca.gov](mailto:Lori.Severino@sanjoseca.gov)>  
**Subject:** Diridon Station Area Plan

[External Email]

I think the Diridon Station Area should have less parking lots. It would also be nice to have rooftop gardens accessible to the public for free.

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## Taber, Toni

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**From:** City Clerk  
**Sent:** Monday, May 24, 2021 2:59 PM  
**To:** Agendadesk  
**Subject:** Fw: Caltrans Division of Aeronautics  
**Attachments:** 4-SantaClaraCnty\_SanJoseGPA-RezoneOverrule\_041521.pdf; 04-15-21 Fiore to Ruano SJC Overrule Response.pdf

### Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main: [REDACTED]

Fax: [REDACTED]

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**From:** Friedman, Matthew L@DOT <[REDACTED]>  
**Sent:** Monday, May 24, 2021 2:37 PM  
**To:** City Clerk <[REDACTED]>  
**Cc:** O'Connor, Dennis@DOT <[REDACTED]> Choi, Amy L@DOT <[REDACTED]>  
**Subject:** Caltrans Division of Aeronautics

[External Email]

Good Afternoon,

I am writing to confirm your receipt of the Caltrans Division of Aeronautics comments regarding the proposed resolution that is scheduled to be heard by the City Council on May 25, 2021.

GP20-007 & C20-002 - City-initiated General Plan Amendment amending the Diridon Station Area Plan and a Conforming Rezoning in response to Senate Bill (SB) 1333 to bring existing Zoning Districts into conformance with the existing and amended Diridon Station Area Plan and to support the amended Diridon Station Area Plan's vision

According to our records Mr. Robert Fiore of our staff sent an e-mail with a letter of comment on April 15 to Mr. Jose Ruano of the City of San Jose Department of Planning.

Upon review of the council agenda I did not see a copy of the comment letter.

I have attached a copy of Mr. Fiore's letter to Mr. Ruano and the e-mail of transmittal.

Please advise us of the status of the letter of comment.

**Matt Friedman, Chief1515  
Office of Aviation Planning  
Division of Aeronautics  
Caltrans  
1120 N St.  
Sacramento, CA 95814**



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**Friedman, Matthew L@DOT**

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**From:** Fiore, Robert A@DOT  
**Sent:** Thursday, April 15, 2021 9:05 AM  
**To:** Ruano, Jose  
**Cc:** Connolly, Mark; Sheelen, Ryan; [REDACTED]  
**Subject:** SAN JOSE GPA & REZONING OVERRULE CMT LTR  
**Attachments:** 4-SantaClaraCnty\_SanJoseGPA-RezoneOvrrule\_041521.pdf

Hello Mr. Ruano:

Caltrans Division of Aeronautics is currently emailing official correspondence. Attached is correspondence from Caltrans Division of Aeronautics that is addressed to you.

Thank you

ROBERT FIORE  
Aviation Planner  
Caltrans Division of Aeronautics, MS 40  
P.O. Box 942874  
Sacramento, CA 94274-0001  
[REDACTED]

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF AERONAUTICS – M.S. #40

1120 N STREET

P. O. BOX 942874

SACRAMENTO, CA 94274-0001

PHONE [REDACTED]

FAX [REDACTED]

TTY 711

www.dot.ca.gov

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April 15, 2021

Mr. José Ruano, Planner II  
Building and Code Enforcement  
Department of Planning  
City of San José  
200 East Santa Clara Street, 3rd Floor Tower  
San José, CA 95113-1705

Electronically Sent  
[REDACTED]

Dear Mr. Ruano:

The California Department of Transportation (Caltrans), Division of Aeronautics (Division) received a proposed overrule by the city of San José (City) on March 16, 2021. Pursuant to California Public Utilities Code (PUC) section 21676(a)<sup>1</sup>, an overrule may be proposed by the City after the Santa Clara County Airport Land Use Commission (SCCALUC) finds a general or specific plan, including amendments, inconsistent with the Comprehensive Land Use Plan (CLUP)<sup>2</sup> for Norman Y. Mineta San José International Airport (SJC).

The proposed overrule involves a General Plan Amendment (GPA) and Conforming Rezoning, City File Nos. GP20-007 and C20-002, also known as the Diridon Station Area Plan<sup>3</sup>. These proposed land use actions were submitted to the Santa Clara County Airport Land Use Commission (SCCALUC) for a consistency determination with the SJC Comprehensive Land Use Plan (CLUP). On December 16, 2020, the SCCALUC found the proposed GPA and Rezoning inconsistent with the safety, height, and noise policies contained within the SJC CLUP.

In response to the SCCALUC's inconsistency finding, the City prepared a resolution with draft findings in support of the GPA and Rezoning. The Division has reviewed the City's proposed findings and has determined the proposed findings are not consistent with the declaration and purposes of the statutes set forth in PUC section 21670<sup>4</sup> and with the foundational principles contained in the California Airport Land Use Planning Handbook (Handbook)<sup>5</sup>

The SCCALUC found the GPA and Rezoning inconsistent with the SJC CLUP noise policies, Table 4-1 and Policy N-4. The Table shows residential uses are "Generally Unacceptable" between the 65-70 decibel (dB) Community Noise Equivalent Level (CNEL) Noise Contours. Further, Policy N-4 of the SJC CLUP states, "that no

residential or transient lodging construction shall be permitted within the 65 dB CNEL contour boundary unless the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas.” The City’s resolution includes a finding that states, “Although the project is proposing residential type development in the 65-70 dB CNEL noise contour, the City finds the project consistent with Section 21670.” This finding is inconsistent with PUC section 21670 in that it does not promote the overall objectives of the California airport noise standards pursuant to PUC section 21669 and prevent the creation of new noise problems. It is also inconsistent with the Handbook Table 4B that shows 65 dB CNEL is generally not acceptable for most new development.

The finding pertaining to Goal EC-1 of the Envision San José General Plan 2040 (General Plan) is not consistent with the Handbook, which references the California Building Code (Building Code)<sup>6</sup> section 1207.11. The Building Code establishes a maximum interior noise of 45 dB CNEL<sup>7</sup>. The Division cautions the City that if interior noise exposure exceeds 45 dB, then the City may be liable for future retrofits. Further, the Building Code requires a general plan that includes an airport’s noise contours. According to the Building Code, if residential type structures exceed 60 dB CNEL or DNL, per the Noise Element, then an acoustical analysis is required.

The Division finds that the City’s General Plan policies regarding outdoor noise limits within the environs of SJC and in downtown San Jose inconsistent with PUC section 21670, 21674.7(b), and PUC section 21675(a).

- The City’s General Plan does not discourage incompatible land uses near existing airports (PUC section 21674.7)
- Proposed buildings are not guided by the noise criteria compatible with airport operations (PUC section 21674.7); and
- The GPA does not safeguard the inhabitants within the vicinity of airports (PUC section 21675(a)).

The finding regarding exterior spaces being consistent with the SJC Airport Master Plan is not consistent with PUC section 21670(a), and PUC section 21676(a)<sup>8</sup>. Further, the SJC Master Plan noise analysis does not supersede SJC CLUP policies (PUC section 21676(c)).

The finding regarding the largest contributing factor to 65-70 dB CNEL noise measures is from highways, streets, and rail systems is not supported.

The Division finds that the City’s noise complaint tracking system indicating minimal noise complaints from existing development is not consistent with PUC section 21670. This finding does not account for future conditions and does not prevent new noise problems.

The City's resolution states that "the ALUC made its Land Use Plan inconsistency determination prior to the Federal Aviation Administration's issuance of any "No Hazard" determination for the subject project and that CLUP Policy H-1 provides that the FAA determination shall prevail." Federal Aviation Administration (FAA) aeronautical studies are typically conducted upon submission of Code of Federal Regulations (CFR), Part 77, Form 7460-1<sup>9</sup>, which pertains to specific structures, objects, or natural features. FAA aeronautical studies do not typically consider broad policies and standards applicable to a general or specific plan or a cumulative number of future buildings, objects, or natural features as proposed with the GPA and Rezoning. If the FAA has made a "Determination of No Hazard," it was not submitted with the proposed resolution and findings

Further, the Legislature enacted PUC sections 21402<sup>10</sup> and 21659(a)<sup>11</sup> for airspace protection purposes. According to the California State Aeronautics Act, CFR Part 77 (Part 77) is used as the primary airspace protection standard for the State. In addition, the provisions of PUC section 21670 (inclusive) reference Part 77 for ALUCs' use in airport land use compatibility planning and policy formation. FAA Determinations on an Airspace Study is a finding relative to Part 77 surfaces surrounding an airport. If a local agency proposes policies with respect to building heights that cover large areas, a cumulative number of future buildings, several objects, or swaths of natural features, then Part 77 is the appropriate standard for establishing building height maximums. The SCCALUC adopted their policies consistent with the Handbook's foundational principles.

The City resolution also includes a finding that states, "the project is in compliance with General Plan Transportation Policy TR14.2." The City's finding is not consistent with PUC section 21670 because it requires future determinations by the FAA for individual buildings, objects, or specific natural features. It does not demonstrate that cumulative future conditions would ensure the orderly development of SJC or maintain protection of SJC airspace. Such consequences may reduce the operating utility of SJC. Ultimately, it may be more appropriate for the City to seek the FAA's assistance in conducting an aeronautical study that evaluates all potential development scenarios to best protect SJC and SJC's airspace.

Development encroachment upon an airport is likely to constrain an airport's vital contribution to the community, region, and State, and exposes people to safety hazards and excessive noise. In addition, SJC provides economic stimulus, generates on and off airport jobs, and is a hub for domestic and international commerce and tourism.

Caltrans concurs with SCCALUC's inconsistency determination because SJC is important to the California Aviation System Plan.



Mr. Jose Ruano  
April 15, 2021  
Page 4

If you have questions or need further assistance, please contact me at (916) 654-5314 or via email at [REDACTED].

Sincerely,

*Original signed by*

ROBERT FIORE  
Aviation Planner

c: Ryan Sheelen, C.M., Airport Planner III, Planning and Development Division  
San José International Airport; [REDACTED]

Laurie Suttmeier, FAA, SFO; [REDACTED]

Mark Connolly, Program Manager, Santa Clara County Airport Land Use  
Commission; [REDACTED]

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## ENDNOTES

<sup>1</sup>PUC section 21676(a), each local agency whose general plan includes areas covered an airport land use compatibility plan must submit a copy of its plan or specific plan to the airport land use commission (ALUC).

<sup>2</sup>PUC section 21675(a): Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general.

<sup>3</sup>The proposed City-initiated General Plan Amendment amending the Diridon Station Area Plan, is to add development capacity and update sections on land use, design, transportation, and public spaces, and the Conforming Rezoning is in response to Senate Bill (SB) 1333 to bring the existing site's Zoning Districts into conformance with the existing and amended Diridon Station Area Plan on approximately 262 gross acres.

<sup>4</sup>PUC section 21670(a): The Legislature hereby finds and declares that: (1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems. (2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

<sup>5</sup>PUC section 21674.7

<sup>6</sup> California Code of Regulations, Title 24

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<sup>7</sup> The Building Code states that "interior noise levels shall not exceed 45 (dB) for either the Day-Night Average Sound Level (DNL) or the CNEL. The worst-case noise level of existing or 10 years in the future shall be used." The City's resolution does not provide the General Plan noise contours and analysis regarding a future worst-case scenario for residential type uses as required by the Building Code.

<sup>8</sup>PUC 21676(c): Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission.

<sup>9</sup> Title 14, Code of Federal Regulations (CFR) Part 77, "*Safe, Efficient Use and Preservation of the Navigable Airspace.*"

<sup>10</sup>The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight described in Section 21403. No use shall be made of such airspace which would interfere with such right of flight; provided, that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

<sup>11</sup>No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77, Subpart C, unless the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation.

## Taber, Toni

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**From:** City Clerk  
**Sent:** Monday, May 24, 2021 12:44 PM  
**To:** Agendadesk  
**Subject:** Fw: SV@Home Letters RE: Items 10.3 and 8.1  
**Attachments:** SVH Letter RE - DSAP + AHIP (City Council).pdf

### Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main: [REDACTED]

Fax: [REDACTED]

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**From:** David Meyer <[REDACTED]>  
**Sent:** Monday, May 24, 2021 12:18 PM  
**To:** City Clerk <[REDACTED]>  
**Cc:** Mathew Reed <[REDACTED]>  
**Subject:** FW: SV@Home Letters RE: Items 10.3 and 8.1

[External Email]

Hello City Clerk,

It appears that SV@Home's letter RE: Items 10.3 and 8.1 was only filed under Item 8.1. Could we please request that this letter also be filed under Item 10.3, since it is focused on that item?

Thank you!

David

David Meyer  
Director of Strategic Initiatives

[REDACTED]  
[REDACTED]



*Silicon Valley Is Home. Join us for [Affordable Housing Month 2021](#)*

**From:** David Meyer

**Sent:** Thursday, May 20, 2021 4:28 PM

**To:** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Cc:** [REDACTED] Jacky.Morales-  
[REDACTED] Mathew Reed; Leslye Corsiglia  
<[REDACTED]>

**Subject:** SV@Home Letters RE: Downtown West and Diridon Station Area Plan Amendments

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Arenas, Cohen, Davis, Carrasco, Esparza, Foley, Jimenez, Mahan, and Peralez,

On behalf of Silicon Valley at Home and our members, we write today to provide our comments on the two interconnected Diridon Station redevelopment issues you will be addressing at your Council Meeting next week. We have split our comments into two letters: The first addressing Google's Downtown West proposal and the second addressing the Amendments to the Diridon Station Area Plan and the accompanying Affordable Housing Implementation Plan.

As a member of the Station Area Advisory Group (SAAG), SV@Home has been actively involved in community engagement and policy development efforts around Diridon from the very beginning. We greatly appreciate the efforts of City Staff, especially the Housing and Planning Departments, as well as the commitments by Google, to create a housing-rich vision for the Diridon Station Area, focus attention on affordability needs and displacement solutions, and (in Google's case) put forth a comprehensive project proposal that will catalyze much-needed residential development throughout the Station Area.

**We strongly support the City Council's approvals of the staff-recommended Development Agreement with Google, the Amendments to the Diridon Station Area Plan, and the Affordable Housing Implementation Plan.**

SV@Home is looking forward to continuing to work closely with the City and the community to ensure that the overall housing and affordable housing goals are met.

Sincerely,

David

David Meyer  
Director of Strategic Initiatives  
[REDACTED]  
[REDACTED]



***Silicon Valley Is Home. Join us for [Affordable Housing Month 2021](#)***

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*Kelly Snider Consulting*

Jennifer Van Every  
*The Van Every Group*

**STAFF**

Leslye Corsiglia  
*Executive Director*

**TRANSMITTED VIA EMAIL**

May 20th, 2021

City Council  
City of San José  
200 E. Santa Clara St.  
San José, CA 95113

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Arenas, Cohen, Davis, Carrasco, Esparza, Foley, Jimenez, Mahan, and Peralez:

**RE: Diridon Station Area Plan Amendments and Affordable Housing Implementation Plan**

On behalf of Silicon Valley at Home and our members, we write today to express our support for the staff-recommended Amendments to the Diridon Station Area Plan, including the Affordable Housing Implementation Plan. As a member of the Station Area Advisory Group (SAAG), SV@Home has been actively involved in all community engagement and policy development efforts around Diridon from the very beginning. We would like to thank staff for their excellent work developing this comprehensive plan and for their cooperative approach to receiving and including community feedback. The Planning and Housing Departments should be commended for this achievement.

The Amendments to the Diridon Station Area Plan set the framework and expectations for development across the 240-acre Station Area, inclusive of Google's Downtown West proposal. And while Downtown West will catalyze development across the Area, the development of a complete, vibrant neighborhood can be made possible only through a forward-looking, ambitious, but achievable, vision. We believe that this Plan accomplishes this, and key to its overall success will be the success of its residential components.

SV@Home strongly supports staff recommendations on the overall land use plan and distribution of uses, the development capacity numbers, and the allowable heights for the entire Station Area. These factors are critical to the Plan's total housing capacity number: 13,519 new homes. When these new homes are added to recent and underway residential development in the Area, the Station Area will approach a total of 15,000 homes, a key goal that tracks with SV@Home's own data-driven capacity analysis. Importantly, this housing-rich vision relies on the other staff recommendations on land use and height allowances. Modifications, especially any reductions, to these allowances would undermine the potential for housing across the Station Area. **Therefore, we urge the City Council to approve staff recommendations on land use, housing capacity, and height allowances to meet San José's overall housing vision for the Station Area.**

We support staff's significant work in developing an assessment, through the Affordable Housing Implementations Plan, of the challenges that lie ahead for both reaching the target of 25% affordable within the Station Area, and responding to the Council and community mandate to address the risks of displacement in adjacent communities. We believe that the extension of the City's current 3Ps approach (production, preservation, and protection) to the local housing crisis is the right frame to craft a response to these challenges, and

May 20, 2021

Re: Diridon Station Area Plan Amendments and Affordable Housing Implementation Plan

Page 2 of 2

support the comprehensive range of policy proposals and recommendations for proactive administrative efforts presented in the Plan. This will not be simple or easy.

Many of the key elements of the plan will require future approval, and City Staff will need the full support of the City Council and the community in assembling the resources and prioritizing policies to implement the Plan. Monitoring its progress will be essential to its success. We believe that that the collective commitment to this effort is both clear and sincere, and that the successful racial and economic integration of the Station Area, and surrounding neighborhoods, will be a gauge for generations of San Joséans in assessing equitable growth in the city.

Overall, we are excited by the opportunity presented by the redevelopment of Diridon Station and are strongly supportive of staff's housing-rich vision. SV@Home is looking forward to continuing to work closely with the City and the community to ensure that the overall housing and affordable housing goals are met.

Sincerely,



Leslye Corsiglia  
Executive Director



350 W. Julian Street, Building 5, San José, CA 95110

• [www.svathome.org](http://www.svathome.org) •



1651 North First Street, San Jose, CA 95112  
(408) 445-8500 • www.sccaor.com

May 25, 2021

## San Jose City Council

City of San Jose  
200 E. Santa Clara Street  
San Jose, CA 95113

### RE: Item 8.1, 10.2, and 10.3

Dear Honorable Mayor Liccardo and Councilmembers,

On behalf of the Santa Clara County Association of REALTORS® (SCCAOR) and our 6,000 members, I write regarding potential amendments to the Diridon Station Area Plan. SCCAOR is supportive of the staff-recommended development agreement with Google and applauds the work of everyone involved.

Google's Downtown West project will create an inclusive space with community involvement and bring long-term benefits to San Jose. This will bring thousands of permanent jobs to the region, as well as prevailing wage construction jobs to build the development, helping our region through an economic recovery from the COVID-19 Pandemic. This project also commits to creating 4,000 desperately needed housing units, 25% of which will be affordable. SCCAOR highlights the importance of these affordable units that exceed the normal 15% affordability threshold. This will allow our entire community to live in and enjoy this new urban hub. As we face a housing crisis, this project achieves a fine balance of providing ample housing while also including ample commercial, retail, and green space to create a vibrant mixed-use development providing the City of San Jose with valuable tax revenue.

However, SCCAOR does have some concerns with the accompanying Diridon Affordable Housing Implementation Plan. We appreciate staff clarifying timelines and additional approval for several recommendations in the supplemental memorandum. However, we still have large concerns about some of the policies themselves. We urge the Council to consider a policy that supports vulnerable residents, without unduly burdening small property housing providers. SCCAOR strongly opposes any stricter rent control or tenant protections in any area of the City as state law and existing ordinances address displacement concerns. Stricter regulations only erode property rights and force "mom and pop" housing providers to remove naturally affordable housing from the market. It does nothing to incentivize homeownership for these residents which is truly the best way to decrease the wealth gap, create generational wealth, and protect these residents. We look forward to the outreach process to create anti-displacement policies in the Diridon Area that supports the entire community.

Regards,



Doug Goss  
2021 President, Santa Clara County Association of REALTORS®

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May 25, 2021

TRANSMITTED VIA EMAIL: [City.Clerk@sanjoseca.gov](mailto:City.Clerk@sanjoseca.gov)

Mayor, Vice Mayor and City Council  
200 E. Santa Clara Street  
San Jose, CA 95113

**RE: May 25, 2021 City Council Agenda Item 10.3 GP20-007 & C20-002  
Comments on DRAFT Amended Diridon Station Area Plan (DSAP)**

Dear Mr. Mayor, Vice-Mayor & City Council

Thank you for the opportunity to provide comments to you on the Draft Amended DSAP on behalf of PAC\* SJ and its members. These comments are in addition to any comments the City has received via other forums.

In short, PAC\* SJ is concerned about both what is absent from the amended draft of the DSAP, including but not limited to the following matters:

- 1) The amended DSAP Plan lacks reference as to how the historic Diridon Station itself “fits” within its namesake plan. It is the most iconic, prominent, unique feature to San Jose and yet, there is no statement of support for its existence going forward. San Jose’s failure to protect this structure sends a clear message to others who are currently or will be involved in private and multi-agency initiatives that San Jose is abdicating its voice in this matter; and,
- 2) Similar to our concern about the historic Diridon Station, the amended DSAP fails to establish a clear position of support for the protection and preservation of other historic buildings inside and outside the DSAP’s boundary that are either subject to direct demolition, or related negative impact from development within the DSAP; and,

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- 3) The absence of an updated DSAP EIR leaves developers and participants in multi-agency projects without up-to-date information that would otherwise inform the analysis of alternatives required by CEQA and the development of sensible mitigation measures. We disagree with the broad conclusions of the October 23, 2020 Circlepoint memo that there were no Substantial Changes to the DSAP Project, its Circumstances and Information Known. Relying on an EIR that was finalized in 2014, based on input from the community on a project that envisioned Major League Baseball stadium at its core appears to be an attempt to bypass San Jose’s responsibility to the people to properly analyze everything that will happen within this 262-acre planning area; and,
- 4) The review of Project Plans and EIRs for projects that will be located fully within the DSAP such as the Downtown West project is already proceeding in advance of finalizing the Diridon Station Area Plan and is being done so with a thin draft document that shows no recognition towards historic assets the City of San Jose should be protecting.

### **Mitigation Alternatives Analysis**

PAC\* SJ sees little to no connection between the mitigation measures listed in the Integrated Final Program EIR from August of 2014 and the amended DSAP. There is no apparent connection between the “alternatives” described in the 2014 DSAP EIR and the amended DSAP.

PAC\* SJ is seeking to understand why the City is not reconciling the mitigation and alternatives analysis it did in 2014 relative to historic resources within a DSAP that envisioned Major League Baseball stadium with the current DSAP. We are quite simply looking for data we can use to weigh in on a DSAP that we believe should point to a robust mitigation strategy and alternatives analysis that is commensurate with the significance of the area slated for development.

PAC\* SJ has noted in every community forum for which it has been invited the need for San Jose, as the Lead Agency for the DSAP, to take a position on the preservation of historic resources including but not limited to the following:

- **Preservation of the Diridon Station/Cahill Station Historic District.** Ideally, this will include all elements of this project (depot, outbuildings, platforms, signs, etc.). Should any entity seek to modify, move or demolish any of these historic elements, PAC\* SJ is seeking the City’s commitment to exercising an active role when working with public agencies such as the Peninsula Corridor Joint Powers Board, High Speed Rail Authority, BART, ACE Train, VTA, etc. or any other private entity in aggressively representing the interests of the people of San Jose in preserving and protecting this National Register-listed historic landmark district.

The only document covering mitigation of the Diridon Train Station and its various elements is the



**PRESERVATION ACTION  
COUNCIL OF SAN JOSE**

History Park  
1650 Senter Road  
San Jose, CA 95112  
Phone: 408-998-8105  
[www.preservation.org](http://www.preservation.org)

2014 Final DSAP Program EIR, which notes in Section 2.2.1 (Additions and Modifications to the Station) that the historic depot building will remain for passenger rail functions and that existing heavy rail platforms, LRT facilities, and pedestrian tunnel would also remain in their current locations and that new platforms for the HSR trains would be constructed approximately 60 feet above the existing at-grade platforms.” PAC\* SJ is painfully aware that the fairly detailed information that is included within the 2014 EIR regarding the disposition of the historic elements is almost completely absent and/or inconsistent with the limited information included within the amended DSAP document (e.g. there is zero language within the amended DSAP about saving the historic Diridon Station and resource and rail platforms at 25’ versus 60’ above grade). As such, there is woefully insufficient information to even discuss mitigation measures and alternatives. For this and other reasons, PAC\* SJ is asking the City to note specifically within the DSAP that projects within the DSAP area (e.g. Downtown West, DISC, etc.) must comply with CEQA and other ordinances relative to preservation.

- Preservation, relocation, and rehabilitation of impacted historic resources and Structures of Merit, including receiver site property acquisition.
- Proactive planning efforts and historic resource surveys in the surrounding Diridon Station Area, which will undoubtedly be subject to increased development pressure as a direct result of the Downtown West project.
- Required documentation of all impacted CEQA-eligible historic resources and Structures of Merit should include both interior and exterior documentation. Industrial resources should be documented to the standards of the Historic American Engineering Record.

Thank you for the opportunity to provide these comments. We look forward to what we hope is a recognition by the City of the need to include the preservation of historic buildings and places such the Diridon Station/Cahill Station Historic District into all plans to be carried out by other organizations, business and agencies engaged in projects within the DSAP and its immediate vicinity.

Sincerely,

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