Dear Planning Commissioners,

I am a resident of [Redacted] Across the street from the proposed pavilion.

Please give me your response to these concerns:

1. **Why not locate the pavilion in Discovery Meadow or other parts of Guadalupe Park?** That would eliminate or mitigate all of the following concerns. The proposed location is not rehabilitation of the park. It is complete destruction of the location as a neighborhood and historic park.

   - near Avaya stadium with significant parking (which would also increase commercial and patron activity in the nearby shopping center)
   - having small venues along Guadalupe Park, which would also be more likely to draw customers into downtown shops and restaurants.
   - A Greek theater on the opposite corner of the park

**Noise***: You own EIR states that the noise levels would equal or exceed the “Normally Acceptable” level and be “significant and unavoidable”! (Draft EIR at page 195) One of the responses by the city says that window replacement near the airport was paid for by the FAA and revenue from the pavilion should pay for triple pain windows for Saint James Place.

**Historic and aesthetic****: Many of us bought into the building when the promises of park development at that time were goals of restoring it to its original purpose as a green space and horticultural collection. Over the years park planning has changed, often undercutting the expectations of our building’s resident

**Sanitation, Cleanliness, Safety**: Services provided within the park will not eliminate significant issues in the neighborhood. In fact the pavilion would significantly increase those problems in the surrounding neighborhood on 300 days of the year.

* Specifically cited: “Significant and Unavoidable” impact NO1-1, generation of...increase in ambient noise levels...in excess of standards.
As set out in the Bollard Report at page 7, this noise level is comparable to being next to a lawn mower (on the low side) and a chainsaw (on the high side) up to 300 nights per year.

**(2) AES-1, design not consistent with the Secretary of Interior’s Standards for Rehabilitation; and (3) CUL-1, project would cause adverse change in historical resource.

Scandinavian saying “You should not bother others, you should be fair and kind, and otherwise you can do whatever you want.”
Dear Planning Commission,

I have two questions for the record and to be addressed at today's meeting regarding agenda item 5 a. (St. James Park EIR).

1. Part of the purpose of public review of the EIR is to discover public concerns. However, it seems that most of the concerns expressed in the comments were disregarded as irrelevant and not requiring response, even when they were in regards to significant impacts to noise, historic resources, vegetation or other elements of the physical environment. Does the planning commission feel that the public’s concerns are being adequately addressed?

2. Does the planning commission feel that a 10 p.m. end time is reasonable in a neighborhood with residential units within 100-200 feet? This question was raised in one of the public comments in response to the Draft EIR, and the response was that noise impacts will be significant with no explanation as to why an earlier end time would not be considered as a condition of project approval. With attendance that could be as high as 5,000 people up to 300 times per year, along with the fact that loading/unloading of equipment/people and cleanup will take place before and after events past the 10 p.m. end time. What are the Planning Commissions thoughts? The sound consultants who completed the study for the EIR noted that “larger events may generate noise levels considered objectionable, particularly if the events occur frequently, late into the evening, and include higher levels of amplified sound, considerable low frequency content of that sound, and elevated crowd noise levels. Furthermore, local residences and churches may choose not to close their windows during events in order to achieve fresh air circulation, which would result in higher noise levels within sensitive interior spaces” (Appendix F page 37). Again, what are the Planning Commissions thoughts?

Thank you,

Olivia Heir
Board Secretary
Sainte Claire Historic Preservation Foundation
Dear Planning Commission,

In addition to my other question already submitted, please also address and put on record the question below for today's meeting.

Thank you,

Gordon McDonald

When responding to public comments in the First Amendment to the Draft EIR, the responses reiterated that the impact was already found to be significant so no further response is required. Responses to the comments adhered to the minimum required, however several of the comments had to do more with understanding why these decisions are being made. Why are these “significant and unavoidable” impacts justified, and why can't alternative locations for the music venue or a smaller scale music venue be further considered? Has the planning commission reviewed the public comments in response to the Draft EIR? Does the commission not have an obligation to represent the concerns of the community without passion or prejudice? Are you not part of the “decision makers" noted in the EIR that have the expertise and authority to change conditions of the project?
To the Planning Commission:

As noted below, my office is directly across from the park and faces the proposed stage. I frequently work nights and weekends and meet clients in my office. I am also a 7th generation San Jose resident and am a proponent of maintaining the historic nature of the park. Many of the public comments in response to the Draft EIR are in regards to the “significant” and “unavoidable” impacts to noise and historic resources due to the magnitude of the concert facility. While I know I cannot speak for everyone, I believe many would be in favor of renovating and activating the park on a smaller scale. It seems that we are going from a very quiet, historic neighborhood park to a very large, loud concert facility. Why is there no middle ground? A smaller scale, perhaps acoustic/non-amplified music facility could help mitigate the significant noise impacts.

Jeffrey F. Oneal, Esq.

Rankin | Stock | Heaberlin | Oneal
Dear Planning Commission,

With the significant impacts to historic resources stated in the EIR, the integrity of the St. James Square Historic District is threatened. St. James Park is considered the “key element” of the Historic District, and loss of its historic designation would diminish and possibly disqualify surrounding historic landmarks that have used countless resources to obtain and maintain their historic designation as a part of the St. James Square Historic District. Why is the City allowing this project to threaten the integrity of the Historic District?

Please address my question above and put on the record of today's meeting.

Thank you,

Shawn Atkisson
Executive Director
Sainte Claire Historic Preservation Foundation
Dear Planning Commission,

Please address the question below at today's meeting and put on record for legal purposes.

Thank you,

Gordon McDonald

The response to a comment about parking concerns stated that “lack of sufficient parking does not result in a CEQA transportation impact.” The parking analysis for the Draft EIR was completed under the assumption that no other major events would take place in Downtown San Jose concurrently with a large event at the Pavilion in St. James Park. This is a highly unlikely scenario, especially considering proximity to SAP Center and other large event venues downtown. Therefore, it is safe to assume that this project will not have adequate parking, causing more traffic congestion around St. James Park and the downtown area. It is only common sense that this will be a direct transportation impact and the traffic study completed for the EIR seems insufficient. What are the planning commissions thoughts on this issue?
Dear Planning Commission,

I would like to submit the 2 questions below for the record of the September 23, 2020 Planning Commission meeting regarding agenda item 5 a. PP16-037.

1. With regard to the effects of the proposed project of noise during and around events, and on the historic assets and integrity of Saint James Park itself and its surrounding Saint James Historic District, both the draft and amended EIRs use the term "unavoidable" to effectively cut off consideration of any further mitigation measures that could reduce those significant effects that the project creates. The effects of noise, traffic and damage to the Historic District are indeed avoidable if the Levitt music venue is built at another site, such as Discovery Meadows, which the City proposed in the draft EIR (page 196). Is the Planning Commission prepared to accept the City's conclusionary characterization of these effects as "significant and unavoidable" without considering whether or not they are truly unavoidable?

2. The entirety of the Draft EIR, the Amended EIR and the City's responses to public comment make it clear that the City of San Jose is deliberately restricting its concern and attention to the physical confines of Saint James Park itself and not to the effects this project will have on its surrounding neighbors, residents and businesses, or upon the Saint James Historic District of which they are a part. Those effects are either completely ignored, belittled or dismissed as irrelevant and unrelated to CEQA. This denigration of public concerns bespeaks an effort to run roughshod over those concerns. As one public commenter opined, the City "will do as it damned well pleases", as its responses to public comment make obvious. Can the Planning Commission truly consider this to be a meaningful and justifiable approach to this project by the City?

Thank you,

Stephen J. Walwyn

President, Sainte Claire Historic Preservation Foundation
Dear Sir/Madam:

We represent the Sainte Claire Club. We have the following question for the Planning Commission.

The draft EIR, including the recent amendment, concedes that the project will generate “significant” noise, even with the proposed mitigation measures. The draft EIR then deems the significant noise as “unavoidable,” despite the existence of an alternative location, Discovery Meadow, for the pavilion component of the proposed plan. How is the “significant” noise “unavoidable” given the existence of the alternative location?

James L. Dawson
Partner

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Dear Sir/Madam:

I represent the Sainte Claire Historic Preservation Foundation and would appreciate it if you would include the following question as part of the EIR hearing process re: the St. James Park Capital Vision and Performing Arts Pavilion Project, scheduled for this date:

The City of San Jose’s General Plan designation “Open Space, Park and Habitat”, Chapter 5, Page 18 reads: “Land in this designation are typically devoted to open space, parks, recreation areas, trails, habitat buffers, nature preserves and other permanent open space areas.” This designation is intended for “low intensity uses”.

The St. James Park Capital Vision and Performing Arts Pavilion Project is inconsistent with the Envision San Jose 2040 General Plan in that park uses contemplate up to 5,000 people attending up to 300 events per year in St. James park.

What is the Planning Commission’s response to this inconsistency with the General Plan?

Sincerely,

Bill Gates
Partner

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Please consider the environment before printing this email.
Hi Thai -

Please see below comments received during the PC meeting

-----Original Message-----
From: Maria Petersen [mailto:marilen@stanford.edu]
Sent: Wednesday, September 23, 2020 7:33 PM
To: PlanningSupportStaff <PlanningSupportStaff@sanjoseca.gov>
Subject: Saint James Park isn't being utilized because of homelessness - Please concentrate on homelessness first
Importance: High

Saint James Park isn't being utilized because of homelessness and lack of safety

San Jose Commissioners should concentrate on homelessness first.

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

Please see below comments received during the PC meeting

-----Original Message-----
From: Maria Petersen [mailto:marilen@stanford.edu]
Sent: Wednesday, September 23, 2020 7:07 PM
To: PlanningSupportStaff <PlanningSupportStaff@sanjoseca.gov>
Subject: Saint James Park question
Importance: High

[External Email]

How is pavillon and loud concert noise during the day mitigate homelessness from 10:00pm to 6:00am?

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