

FW: June 11, 2024, Council Agenda Item 5.1: "Actions related to the 8820 – Milligan Parking Lot Project" – and the Guadalupe River Trail.

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/3/2024 7:42 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Lames <[REDACTED]>

Sent: Friday, May 31, 2024 5:35 PM

To: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

Cc: Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Sewell, Liz <Elizabeth.Sewell@sanjoseca.gov>; Quevedo, Matthew <Matthew.Quevedo@sanjoseca.gov>

Subject: June 11, 2024, Council Agenda Item 5.1: "Actions related to the 8820 – Milligan Parking Lot Project" – and the Guadalupe River Trail.

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Honorable Mayor and City Council
via email, sent May 31, 2024

re: June 11, 2024, Council Agenda Item 5.1: "Actions related to the 8820 – Milligan Parking Lot Project" – and the Guadalupe River Trail.

Dear Mayor and Councilmembers,

The Milligan Parking Lot Project Staff Report states that "The City received five comment letters during the public comment period. Issues raised in these comment letters include, but are not limited to, the following", and then it enumerates a number of items. As one of those five commenters, I want to make sure you're aware of an item that should be included on that list: the importance of accommodating the future connection of the Los Gatos Creek Trail and the Guadalupe River Trail.

This trail is referenced in the attachments to the Staff Report:

"The EIR for the project identifies a future Class I paved bicycle and pedestrian trail would be constructed within the 35-foot setback and would be approximately 12-foot wide with 2-foot-wide shoulders. No structures or lighting are proposed along the trail. The future trail's final design has not been finalized."

I'm writing as an individual and an advocate to alert you to the importance of this trail connection, and to ask that you make sure that it doesn't get lost in some forgotten appendix.

Thank you,

~Larry Ames, longtime creek and trail supporter.

cc: Jennifer Maguire, City Manager
City Clerk
Liz Sewell, San José Trails Coordinator


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FW: SCVAS and SC comments: Milligan parking Lot, Item 5.1 on 6-11 Agenda

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/10/2024 10:41 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (305 KB)

SCLP and SCVAS Milligan Parking Lot Project 6-11-24 (2).pdf;

From: Shani Kleinhaus 

Sent: Monday, June 10, 2024 9:51 AM

To: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Cc: Cohen, David <David.Cohen@sanjoseca.gov>; James Eggers < Katja Irvin


Subject: SCVAS and SC comments: Milligan parking Lot, Item 5.1 on 6-11 Agenda

[External Email]

Dear Mayor Mahan and honorable members of San Jose City Council,

In the attached letter, the Santa Clara Valley Audubon Society (SCVAS) and the Sierra Club Loma Prieta Chapter (SCLP) ask the city council to retain a 100-ft setback from the Guadalupe River for the Milligan Parking Lot. We also make recommendations for possible and feasible improvement to the lighting plan for the parking lot.

Respectfully,

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

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June 9, 2024

To Mayor Matt Mahan and Members of the City Council

Subject: Item 5.1 on the 6/11 Agenda Actions Related to the 8820 - Milligan Parking Lot Project

Dear Mayor Mahan and Councilmembers,

The Santa Clara Valley Audubon Society (SCVAS) and the Sierra Club Loma Prieta Chapter have reviewed the Environmental Impact report (EIR) for the Milligan Parking lot, with special attention to the potential impacts of lighting on riparian and aquatic ecosystems along the Guadalupe River. The Project seeks to build a surface parking lot adjacent to the Guadalupe river, and to exempt this parking lot from the 100-ft setback requirements of the City's General Plan and the Valley Habitat Plan.

We do not understand the logic driving the need for an exemption that would prioritize parking over the Guadalupe River. Parking should be an order of magnitude lower on San Jose's priority scale compared to the health of the environment.

The most recent "Artificial Light at Night: State of the Science 2024"¹, published by DarkSky international in June 2024, highlights the immense and pervasive harm that artificial light at night inflicts on ecosystems and species.

The EIR acknowledges,

"The project's parking lot lighting could result in a significant impact to sensitive habitat and species along the Guadalupe River due to spillover illumination affecting foraging activity, increasing predation risk on fish and changing the composition of fish communities that occur across a day-night period."

and proposed mitigation measures (MM Bio-2-1, Bio-2-2, Bio-2-3)

¹ <https://darksky.org/app/uploads/2024/06/ALAN-State-of-the-Science-2024-EN.pdf>, see also https://www.zotero.org/groups/2913367/alan_db/

1. The most adequate mitigation would be to adhere to the 100-ft setback requirements, and to plant a vegetated buffer that can help shield the river from the impacts of the parking lot. This would protect the river at the cost of just a few parking stalls.
2. Overall, the proposed Mitigation Measures align with DarkSky International's Five Principles for Responsible Outdoor Lighting², uses the BUG system³ as indicated by the California Building Code Title 24, and seeks to reduce the intensity of lighting after 10PM. This is a commendable approach, but the location of the project a stone-throw from the riparian corridor of the Guadalupe River merits additional caution. To further reduce the impact of lighting we suggest:
 - Avoid all lighting of the Guadalupe River. The proposed BUG rating of B0 still allows some light to spill into the creek (as noted in the EIR). If avoidance is not feasible consider using an appropriate, wider setback.
 - Lighting poles locations must be positioned to ensure that there is no *direct* illumination of the river. This may be difficult in this location and at the narrowed setback from the river. Consider implementing 100-ft setback, or use fixtures from manufacturers that offer additional shielding that makes the cutoff angle in the backward direction steeper than it would be otherwise with the default design. These are sometimes described as "house-side shields" intended to prevent backlight from street lights falling on buildings set back from the street some ways.
 - For the lighting nearest the river, use phosphor-converted amber ("PC amber") LED lighting as an alternative in order to reduce the blue light emissions further. The International Dark Sky Association has a list of PC Amber lighting products, including many street/area lighting options⁴.

While the proposed mitigation measures for Milligan parking lot lighting are largely in line with responsible outdoor lighting practices, additional steps could be taken to avoid or further reduce environmental impact. Adopting appropriate setbacks and ensuring minimal light pollution, particularly towards the river, and low blue light options will contribute to a more sustainable and environmentally friendly lighting solution.

Thank you for considering our comments.

James Eggers
Chapter Director
Sierra Club Loma Prieta Chapter

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

² <https://darksky.org/resources/guides-and-how-tos/lighting-principles/>

³ The Backlight, Uplight, and Glare (BUG) rating system is a Title 24 Building Code requirement for outdoor lighting in California that indicates how well lighting reduces Backlight, Uplight and Glare.

⁴ <https://darksky.org/what-we-do/darksky-approved/products-companies/#!/PC-Amber/c/30926016>

FW: CC Agenda Item 5.1: Milligan Parking Lot Project FSEIR

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/10/2024 4:50 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (3 MB)

MilliganCC-6-11-2024 PACSJ.pdf;

From: Ben Leech <[REDACTED]>

Sent: Monday, June 10, 2024 4:18 PM

To: City Clerk <city.clerk@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Chris Shay <[REDACTED]>

Subject: CC Agenda Item 5.1: Milligan Parking Lot Project FSEIR

[External Email]

Dear Mayor and City Council,

Please find the attached letter from PAC* SJ raising concerns about the Milligan Lot Parking Project on tomorrow's City Council agenda. Thank you.

--

Ben Leech

Executive Director

Preservation Action Council of San Jose

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PRESERVATION ACTION
COUNCIL OF SAN JOSE

42A South First Street
San Jose, CA 95113

Phone: 408-998-8105

www.preservation.org

June 10, 2024

Mayor and City Council
City of San José
200 East Santa Clara Street
San José CA 95113-1905

VIA EMAIL

RE: AGENDA ITEM 5.1, MILLIGAN PARKING LOT PROJECT (ER20-049)

Mayor and City Council,

Cities are made up of places that tell stories, and the industrial Forman's Arena Building tells a great story. The building is a rare surviving sports arena associated with the "Golden Age" of boxing in the 1920s and 30s. Its original front façade and open arena space are clearly associated with a fascinating local figure - boxing and wrestling promoter Ora Forman - and a significant chapter in the rich sporting legacy of San Jose. That Forman's Arena today stands mere steps away from the SAP Center, today's civic heart of San Jose sports, represents a unique opportunity to celebrate and enhance this legacy. Unfortunately, the Milligan Parking Lot Project proposing a temporary surface parking lot on its site would needlessly and expensively squander this opportunity for a questionable gain of only a few dozen parking spaces at most, while robbing the neighborhood of a potential amenity along an important pedestrian corridor linking the SAP Center to Little Italy and San Pedro Square.

Identified as significant in 2007, the building has been listed on the City of San José's Historic Resources Inventory as a Candidate City Landmark. The City's Cultural Resource Policies call for landmark structures located within new development areas to be incorporated within the new development, as a means to create a sense of place, contribute to a vibrant economy, and provide a connection to the past. The Milligan Parking Lot Project's Draft EIR includes a feasible project alternative that accomplishes this: the "Forman's Arena Building Retention Alternative" that would keep the building in place while still accommodating *at least* 260 (and potentially up to 294) vehicles on the site. **PAC* SJ strongly supports the adoption of this project alternative and strongly opposes the premature awarding of any project contracts that would preclude this alternative from further consideration.**

PAC* SJ BOARD

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Office Associate
Jennifer Roman

We note with concern that the new projected costs of this project exceeded initial estimates by 35% and nearly \$1,000,000, and that demolition costs for historic resources on the site was one possible contributor to this overrun. We believe more detailed analysis of project alternatives is clearly warranted. We also note with concern that this project's review by the San Jose Historic Landmarks Commission, an expert body chartered to advise City Council on projects impacting the City's historic resources, was not included in the agenda packet for this item. We attach that review to this letter and highlight the Commission's unanimous opposition to the demolition of Forman's Arena.

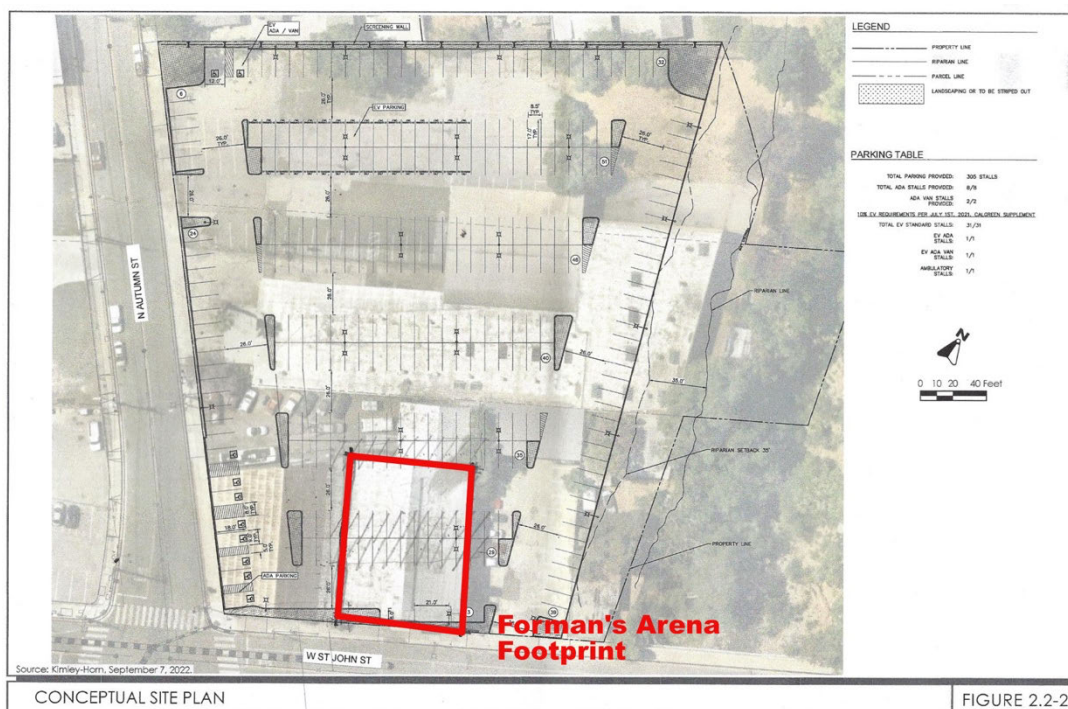


Figure 1: Forman Arena Building footprint overlaid onto Milligan Parking Lot plan

At the time of that review in September 2023, the City claimed that keeping the building in place would result in 100 lost parking spaces. The City now claims that only 50 spaces would be lost in the retention alternative, but even this estimate includes a probable error. As summarized on page 8 of the 5/30/2024 Staff Memorandum, "This [Retention] alternative would provide an estimated **233** outdoor surface parking spaces and up to **27** parking spaces inside the Forman's Arena building for a total of **250** [*sic*] parking spaces." PAC*sj further questions the veracity of even only **260** (233+27) parking spaces possible in the Retention Alternative, as the attached DSEIR site plan appears to show, at conservative count, the Forman Arena Building overlapping or interfering with only **33** parking spaces in the proposed lot layout (see attached Figure 1 above,

adapted from Figure 2.2-2, page 11 of the Draft SEIR). Relatively simple restriping could reduce this number even further, as would added parking within the Forman Arena Building itself. By this reading of the City's own plans and estimates, the true parking loss of the Retention Alternative could be as low as 6 spaces (300 - 33 + 27)! Figure 2 below depicts a conceptual rendering of the Retention Alternative, illustrating how retention of the Forman Arena Building would only minimally impact the parking volume of the proposed Milligan Lot while retaining the character-defining features of the historic resource-- a win-win.



Figure 2:
PAC*SJ
Rendering
of Retention
Alternative

Furthermore, retention of the building would allow for its future adaptation for a higher and better use when “temporary” parking is no longer needed on this site. Figures 3 and 4 below are conceptual renderings illustrating the building’s potential conversion into a restaurant/beer garden-- one of many possible reuses of the building that would preserve its historic character and enhance the vitality and pedestrian scale of the surrounding neighborhood.



Figure 3: PAC*SJ rendering of conceptual building reuse, looking west along St. John Street towards the SAP Center.



Figure 4: PAC*SJ rendering of conceptual building reuse, looking east along St. John Street towards Little Italy and San Pedro Square.



PAC*SJ

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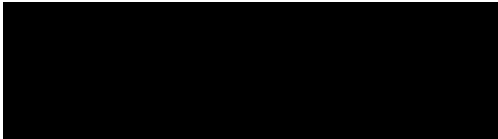
42A South First Street
San Jose, CA 95113

Phone: 408-998-8105

www.preservation.org

St. John Street is a walkable street, connecting the thriving mixed-use San Pedro Square and Little Italy areas to the SAP Center and Diridon Station Area. We have a chance to get a revitalization effort right here – retaining history with the shell of the Forman’s Arena Building, while allowing for more vibrant future uses to rehabilitate it, rather than making a decision now based on a small number of surface parking spaces, that would preclude innovative projects in the future.

Sincerely,



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

cc:

Nanci Klein, Office of Economic Development
Chris Shay, San Jose Sharks

5. GENERAL BUSINESS

a. Milligan Parking Lot Project Draft Supplemental EIR

PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

STAFF RECOMMENDATION: STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION PROVIDE COMMENTS ON THE CULTURAL RESOURCES AND ALTERNATIVES SECTIONS OF THE MILLIGAN PARKING LOT PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT UNDER THE CITY COUNCIL POLICY ON THE PRESERVATION OF HISTORIC LANDMARKS.

Chairman Boehm introduced the item. On behalf of Cassandra Van Der Zweep, David Keyon, Environmental Review Principal Planner, presented a summary of the project's environmental review process and Milligan Parking Lot Project Draft Supplemental Environmental Impact Report (DSEIR). Arian Collen, Department of Transportation Parking Manager, provided an overview of the proposed project and City of San José (City) contractual obligations related to a SAP Center parking agreement.

Chairman Boehm called for commissioner questions.

Commissioner Camuso inquired how many parking spaces would be lost if Foreman's Arena were retained. Mr. Collen responded that roughly 100 spaces would be lost. Commissioner Camuso inquired whether the City owned the land and what would Foreman's Arena be used for if it were retained. It was confirmed that the land is owned by the City and Nanci Klein, Economic Development Director, responded that research did not identify any feasible use for Foreman's Arena.

Commissioner Arnold expressed concern about the demolition of historic buildings. She noted that an alternative to demolition was analyzed in the project DSEIR that would retain Foreman's Arena, but she heard that the building would not be retained. Commissioner Arnold inquired whether the building must be demolished or whether it could be reused, relocated, added to or subtracted from to provide the necessary parking. Ms. Klein stated that the building needs to be demolished. She commented that future development prospects in the Diridon area related to the Downtown West project will diminish the parking supply and the City is close to being in breach of contract with regard to the provision of parking. Ms. Klein commented that the City desperately needs the parking spaces and the City takes its obligations to the Sharks very seriously. Commissioner Arnold inquired what it means that an alternative to retain Foreman's Arena was analyzed in the DSEIR. Ms. Klein commented that staff and the environmental consultant studied whether retaining the building could make sense in terms of parking spaces and cost, and they could not make the alternative work. Commissioner Arnold inquired about the possibility of moving the building. Mr. Keyon responded that CEQA requires the study of alternatives that could reduce or eliminate project impacts and the alternative studied was the retention of Foreman's Arena. Commissioner Arnold asked for clarification whether relocation of the building was studied. Mr. Keyon responded that the DSEIR did study an alternative to relocate the building offsite, but that alternative was determined to be infeasible because no available receiver site was identified (page 141 of the DSEIR, Section 7.41 – Alternatives Considered but Rejected). Commissioner Arnold inquired whether there was any other City-owned site available. Ms. Klein confirmed that was correct. Mr. Keyon added that the structure would need to

be dismantled and reconstructed in a manner that would conform with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the building would need to be moved to a site that has integrity of historic context. He commented that identified sites have either been developed or designated for future development. Commissioner Arnold inquired about the possibility of History San José as a receiver site and Mr. Keyon stated the site was determined to be infeasible.

Vice Chairman Royer inquired whether the Coleman widening project is still anticipated to occur. Ms. Klein responded that the project is still planned. Vice Chairman Royer inquired if South Autumn would be widened along the Platform 16 project. Ms. Klein responded that adjustments are being made to roadway. Vice Chairman Royer referred to the proposed parking layout and noted that it looks like parking stalls would be located next to the creek bank. Mr. Collen commented that a considerable setback for the riparian corridor has been provided. Vice Chairman Royer inquired if the agreement specifies surface parking and would it be possible to build a parking structure. Ms. Klein responded that initially the site is supposed to be a surface parking lot in accordance with the 2018 agreement. Vice Chairman Royer inquired whether temporary, alternate spaces could be identified elsewhere given the delay in the Downtown West development. Ms. Klein responded that there are no alternative locations and commented that in the first quarter of FY 2023-2024 VTA is reporting that it will be removing 600-700 spaces directly across the street and those spaces cannot be made up without the Milligan parking lot. Mr. Collen commented that 4,825 spaces are required within a one-third mile radius of the arena. Commissioner Camuso inquired whether the 100 spaces that would be lost with the retention of Foreman's Arena would make a difference and Mr. Collen reported that they are needed to meet the City's obligations. Vice Chairman Royer inquired whether a parking garage could be constructed that would accommodate more parking than the proposed project. Ms. Klein responded that there is a possibility a significant structure could be built in the future, but there are currently no funds or funding in the foreseeable future. Chairman Boehm inquired whether the Garavaglia historic evaluation included the study of the physical building as well as maps. Ms. Peak Edwards commented that she understood there were issues with consultant access to the site (house). Chairman Boehm commented that Foreman's Arena is a Candidate City Landmark and that 407 W St. John Street is in a deteriorated condition, but that the HLC would like to retain historic resources where possible.

Commissioner Jenke commented that at the time the SAP arena was built, the piece of land to the west between the SAP arena and the railroad was supposed to be a parking structure and construction drawings were completed. He inquired whether consideration was given to building that parking structure. Ms. Klein responded that the proposed project precedes her time at the Redevelopment Authority but recalls that opportunities were found so they did not have to expend the money to build a parking structure and were still able to meet the obligated parking numbers. Commissioner Janke commented if it was okay then, why not now, and if it was not okay, what was the reason why it was not okay and maybe the parking structure could be built. Ms. Klein responded that there is no funding to build a parking structure. Commissioner Janke commented that the spirit of planning now is to make things denser and the project site could accommodate a parking structure.

Chairman Boehm opened public comment.

*Mike Sodergren, Preservation Action Council San Jose (PAC*SJ), commented that people fear that Diridon station will be demolished because the City has entitled so many projects in the area that there is no room for contingencies. He commented that alternatives could be identified that include putting temporary parking on sites where development projects are on pause. Mr. Sodergren commented that looking at the configuration of the proposed parking and Foreman's Arena that it is unclear why 100 spots would be lost. He commented that if we are going to build parking, then the City should go vertical and make it happen. Mr. Sodergren commented that the consideration of alternatives should include what would happen if the City were to default on the agreement - what would be the ramifications.*

*Ben Leech, PAC*SJ Executive Director, stated that PAC*SJ is opposed to the design of the project for a number of reasons. He stated that he emailed comments on the DSEIR during the public review comment period. Mr. Leech noted that one of the comments was that the proposed project be presented to the HLC for comment and he expressed appreciation for the City's willingness to do that. He stated that PAC*SJ's written comments need clarification and he looks forward to the City's responses to comment. Mr. Leech commented that PAC*SJ would like HLC input on the historic significance of 407 W St. John Street. . He noted that there is community concern about the building which is believed to be much older than what is stated in the DSEIR. Mr. Leech commented that PAC*SJ is waiting for more research before a Candidate City Landmark determination can be made. He commented that with the current evidence the building should at least be considered a Structure of Merit which warrants protections through the City's review process. Mr. Leech expressed concerned about the site because it is not secured (lack of no trespassing signs, fence is down) and it is highly vulnerable to trespass and arson. He noted that within 500 feet three historic houses in River Street Historic District were lost in the last two years. Mr. Leech commented that there needs to be better protection of the building while it goes through the entitlement process.*

Paul Soto, Barrio Horsehoe, expressed concerns about the historic precedence that is being set where the City has not been diligent in the maintenance of San José's history and the project area. He stated that he did not appreciate the Office of Economic Development coming to the HLC meeting when plans to demolish the structures have already been made. Mr. Soto appreciated the HLC's diligence and sense of responsibility. He does not want to see the HLC hijacked and appreciated the circumspection of the commission.

*Lynn Stevenson, PAC*SJ, commented that she is not familiar with area around the Foreman's Arena, ownership, and whether the required parking agreement was taken into consideration (for lease etc). She commented that she understands that EIR alternatives are limited in scope, but the City is not bound exclusively by the alternatives evaluated in the DSEIR. Ms. Stevenson stated that the City has the ability to look around the area to potentially identify temporary parking or other parking arrangements that could be pursued. She did not believe that the City has truly scoured the area or assessed all the options and wants to do what is easiest which is understandable but not okay given the impact on historic resources. Ms. Stevenson commented that she suspects Foreman's Arena will not be only historic resource to be demolished for parking and the City should thoroughly examine the options.*

*Sally Zarnowitz, PAC*SJ, expressed support of PAC*SJ's comments and noted the HLC has made some great comments. She hoped that the commission would continue to press for the retention alternative for the project.*

Chairman Boehm called for commissioner comments.

Commissioner Arnold stated that her comments are clear from her prior questions and the related discussion. She commented that she is not ready to support the project.

Commissioner Brown commented that if a parking structure were constructed that it would preclude future uses of the site like a park or housing.

Commissioner Camuso commented that he was not convinced that 100 spaces would make much difference. He believed there are other project alternatives that would retain Foreman's Arena. Commissioner Camuso noted that it is not the most beautiful building, but it has a lot of history and scaping and paving has occurred too often in San José's past.

Commissioner Jenke commented that the fundamental principal of demolishing a historic resource and paving over is counter to every bone in his body. He commented that he did not see the utility in the proposal and the difference the amount of parking spaces would make. Commissioner Janke commented that patrons of urban arenas and sports halls figure out where to park and how to park and the spaces lost by retaining Foreman's Arena would only relate to a small percentage of the arena's capacity. He recalled in the hearings for the construction of the arena that people who lived across the street in the Rose Garden were worried that patrons would be parking in their neighborhood.

Commissioner Janke commented that he is against the idea of demolishing the resource for such small number of parking spaces.

Vice Chairman Royer appreciated the challenge of trying to find the required parking spaces to adhere to the agreement, but she expressed concern that the demolition of Foreman's Arena could set a bad precedent for the future of other historic resources. She wondered where it would end when the City needs to find another 200 or 1,700 stalls. Vice Chairman Royer expressed disagreement with the demolition of historic structures to create surface parking and commented that the proposal would not align with the City's plans for densification.

Chairman Boehm commented that it is ironic that a Candidate City Landmark would be demolished for a parking lot. He commented that the number of parking spaces that would be gained by demolishing Foreman's Arena (100) is only about 3% of what is needed. Chairman Boehm noted that would be at cost of losing a Candidate City Landmark. He commented that Foreman's Arena may not be the most beautiful building, but it has history and means something to people in San José. Chairman Boehm urged the City to consider retaining the building. He urged the City to commit to making a 3D scan of 407 W St. John Street.

FW: Letter in Favor of Council meeting item 5.1

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/11/2024 7:58 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

From: Joshua DeVincenzi Melander <[REDACTED]>

Sent: Monday, June 10, 2024 8:48 PM

To: CouncilMeeting <CouncilMeeting@sanjoseca.gov>

Cc: Lomio, Michael <Michael.Lomio@sanjoseca.gov>; Groen, Mary Anne <maryanne.groen@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; cheriklewis@gmail.com; Chris Shay <cshay@sjsharks.com>

Subject: Letter in Favor of Council meeting item 5.1

[External Email]

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I am writing this email to submit comments in favor of Item 5.1 at the June 11th City Council meeting. As President of Little Italy San Jose, I am speaking in favor of the demo of the light industrial building on west Saint John street to turn into surface parking lot spaces for the SAP Center/Sharks to use on event nights. In addition, this area is a thriving Italian business district with very limited parking spaces and a need for plentiful and affordable parking spaces for patrons to visit the Italian restaurants, event rental venues and Italian Cultural center & museum. It Would be a huge boost to have the lot open for a reasonable rate for patrons of Little Italy to utilize. The Sharks and Little Italy are working to create a viable entertainment district as neighboring partners and this surface parking lot will be a huge factor and building block for future success.

Joshua DeVincenzi Melander
President - Little Italy San Jose
Executive Director - Little Italy Museum
Manager - Italian Cellar Speakeasy Bar


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FW: Letter from SSE re Item 5.1 on Council Agenda; Milligan Parking Lot Project

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/11/2024 9:34 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (184 KB)

Letter from SSE to Council re Milligan Parking Lot (6-11-24, Item 5.1) (10675511xD701E).pdf;

From: Lucy Lofrumento [REDACTED]

Sent: Tuesday, June 11, 2024 9:22 AM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Chris Shay [REDACTED] Jon Gustafson [REDACTED]

Subject: Letter from SSE re Item 5.1 on Council Agenda; Milligan Parking Lot Project

Importance: High

[External Email]

Please distribute the attached letter to Mayor Mahan and the Council Members prior to today's Council meeting.

Thanks very much.



Lucy Lofrumento

Attorney at Law

One Almaden Blvd., Suite 700

San Jose, CA 95113

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Via email: city.clerk@sanjoseca.gov

Mayor Matt Mahan and City Council
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

June 11, 2024

Subject: **Item 5.1; Milligan Parking Lot Project**

Dear Mayor and City Council,

I am writing on behalf of Sharks Sports & Entertainment and its affiliates (SSE) to urge the Council to adopt the actions necessary to approve the Milligan Parking Lot Project.

This interim parking facility is a critical component of the City's plan to protect the Arena from the negative impacts caused by the loss of public parking during the construction of Diridon Station transit improvements, and is consistent with the City's contractual obligations to SSE under the First Amendment to the AMA (see attached Background on City's Milligan Parking Lot Obligations).

We remain supportive of the City's vision for the Diridon Station Area and recognize that the transportation and parking needs of our patrons, vendors and employees may evolve over time, resulting in a reduced need for parking spaces in the future. However, for the present, we need a robust parking supply to ensure the continuity vitality of the Arena. The success of the SAP Center, the Sharks franchise and the Diridon Station Area depends on it.

Sincerely,

/s/ Chris Shay

Sr. VP for Government Affairs
Sharks Sports & Entertainment LLC
525 Santa Clara Street
San Jose, CA 95113



Background on City's Milligan Parking Lot Obligations

1. The original 1991 Arena Management Agreement was amended several times throughout the years, and was completely restated via a Second Amended and Restated Arena Management Agreement signed by the City and a subsidiary of Sharks Sports & Entertainment (SSE) on August 15, 2018. That document is referred to as the AMA.
2. The AMA retained certain key parking provisions that were in the original 1991 Agreement, including the following:
 - On-Site Parking Facilities would provide a total of 1,650 parking spaces, including 1,422 in Lots A, B and C and 228 parking spaces in Lot D.
 - The City would be responsible to ensure that Off-Site Parking Facilities provide a minimum of 3,175 parking spaces within 1/3 mile of the Arena's south entrance.
3. The 2018 AMA included certain concessions requested by the City with respect to parking, including the following:
 - The minimum Off-Site Parking requirement was reduced to 2,850 parking spaces through June 30-, 2025.
 - The City was granted the right to sell Lot D to Google subject to the execution of a lease from Google to SSE, allowing SSE to continue using Lot D until construction was ready to commence on Lot D and replacement parking spaces were provided on another approved site near the arena.
4. On December 4, 2018, at the urging of the City, SSE executed a First Amendment to the AMA, which facilitated a complex real estate transaction between the City and Google for the Downtown West development. In exchange for valuable concessions made by SSE, the First Amendment included numerous protections for the Arena, including the following:
 - The City shall, at its sole cost and expense, construct a surface parking lot on the Milligan property, with a minimum of approximately 297 parking spaces.
 - Construction of the parking lot shall commence no later than August 31, 2020 (subject only to certain Force Majeure delays for which written notice is given).
 - All parking spaces in the new Milligan Parking Lot will count toward the City's minimum Off-Site Parking obligations.
 - SSE will manage the new Parking Lot for the City as a public, shared parking facility, with priority for Arena events. All net revenues from the Parking Lot operation will be paid over to the City.