

From: [Rood, Timothy](#)
To: [Han, James](#); [Tu, John](#); [Hill, Shannon](#); [Keyon, David](#)
Cc: [Ruano, Jose](#); [Manford, Robert](#); [Hughey, Rosalynn](#); [Klein, Nanci](#); [Ekern, Bill](#)
Subject: Contamination and land use on Arena A/B/C lots
Date: Friday, November 22, 2019 2:46:06 PM
Attachments: [image001.png](#)

Hi, FYI – in response to a question from SOM, Jose looked up the restrictions on uses of the A/B/C lots at the state Department of Toxic Substance Control’s Envirostor website.

The covenant is here:

https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/7185956656/SanJoseSportsArena_DEED_43730007.pdf.

It includes the following:

“Based on the PEA, the Department concluded that **use of the Property as a residence**, hospital, school for persons under the age of 21, or day care center **would entail an unacceptable health risk**. The Department further concluded that the Property, as remediated, and subject to the restrictions of this Covenant, does not present an unacceptable threat to human safety or the environment, if limited to commercial and industrial, parks, and/or open space use.”

“Residential” is defined as “A residence, including any mobile home or factory built housing, constructed or installed for use as residential human habitation.”

The Google project’s proposed residential land use alternative for this area would therefore appear not to be consistent with the covenant, which runs with the land.

Tim

