

**January 8, 2021**

**City of San Jose  
Planning Building & Code Enforcement**

Jose Ruano, DSAP Project Manager  
200 East Santa Clara Street  
San Jose, CA 95113  
Sent via email

RE: Diridon Station Area Plan CEQA document amendment

Jose,

The Diridon Area Neighborhood Group (DANG) would like to reiterate its consternation and frustration concerning the DSAP revision process. Commenting on this Draft Amended DSAP document was difficult due to the lack of a straightforward nature of messaging, community input, and document creation. We have several issues of concern that we want to have clarified.

1. Presenting the Draft Amended DSAP document merely as an amendment does not constitute a full guiding document to be used for future development. We believe that this should be a supplemental or new DSAP EIR.
2. When the Downtown Strategy Update 2018 was being approved, at no time was there mention that there would be no further opportunity for the community to address any building height or neighborhood interface issues for the Diridon Station area. The public should have had the ability to comment on these issues during this process.
3. Piecemealing of various documents for the purpose of taking a short cut and not letting the surrounding neighborhoods know the full extent of the mitigation issues of this change in the DSAP is unprofessional at best, creating a Frankenstein-type monster of a CEQA document.
4. Another item of concern is located within the document ***Downtown Update Strategy 2040 EIR***, page 208, which states:  
*The proposed 4,000-unit increase in residential capacity to 14,360 units would be achieved by transferring residential units from outlying (beyond the general vicinity of Downtown) Urban Villages and other Growth Areas identified in the 2040 General Plan.*

The statement above does not declare that the 4,000 units are to be assigned specifically to the Diridon Station area. Since this document does not specifically assign these additional residential units to the station area, staff should eliminate all specific numbers of residential units from the Draft Amended DSAP. If, in fact, these units are assigned specifically to the station area, please cite the location in the EIR document.

Furthermore, DANG requests that you:

1. Provide information about the criteria used to determine that an amendment to the DSAP was the appropriate process instead of a supplemental or new DSAP EIR. DANG believes that a supplemental or new EIR should be the appropriate process because of the major changes being allowed, such as Council's decision to no longer follow the OEI guidelines and the massive increase in development potential for the DSAP area due to the dramatic building height increases.
2. Provide the proposed increase of commercial development in square feet and number of housing units from the 2014 DSAP to the current draft DSAP amendment.
3. Provide information about the impact of the crane heights on development heights.

Regardless of the impediments created to limit public comment, please see below other DSAP comments from DANG.

Thank you,

Kathy Sutherland	Bert Weaver
Laura Winter	Sarah Springer
Edward Saum	Harvey Darnell
Helen Chapman	Bill Rankin
Mary Pizzo	Norma Ruiz
Kevin Christman	Jake Smith

Our research shows that the following documents and referenced pages guide development height in the Diridon and specifically the Delmas Park neighborhood.

**Downtown Strategy 2040, Integrated Final EIR**

**December 2018**

**Page 209**

**Diridon Station Area Plan (DSAP)**

The majority of the DSAP area is within the Downtown Strategy 2040 boundaries. The Downtown Strategy 2040 does not propose changes to the DSAP. Development occurring in the DSAP area would be subject to land use regulations and policies established in the DSAP. The project, therefore, would be consistent with the DSAP.

**Diridon Station Area Plan (DSAP)**

**June 2014**

Page 4-9 number 5 states the following:

**ASSUMPTIONS AND EXCLUSIONS**

The height limits used in the development of the test-fit plan are consistent with, and in most cases below, the height limits established in the Urban Design Section of this Plan. Building heights used in the test-fit plan are also below the maximum building heights established by Federal Aviation Administration (FAA) Part 77, as discussed below. In the southern zone building heights were set to respect the scale of the adjacent neighborhoods and the recommendations in relevant Strong Neighborhood Initiative (SNI) documents. (underlined for emphasis)

Page 4-16

**STRONG NEIGHBORHOOD INITIATIVE ZONES**

Project sub-areas D (Dupont/McEvoy) and F (Park/San Carlos) both fall within existing SNI (Strong Neighborhood Initiative) boundary and both of these areas have had SNI Neighborhood Improvement Plans and/or Business Improvement Plans prepared in the recent past. Delmas Park SNI Neighborhood Revitalization Plan gives general guidance on the community's preferred land uses, and desirable massing/heights/densities of buildings. The proposed uses, block and street patterns and building heights indicated in the 'test-fit' DSAP - Final Plan Report are intended to be respectful of and consistent with the community's recommendations.

## **2002 Delmas Park Neighborhood Improvement Plan**

**Approved and accepted by City Council and the Planning Commission**

**Amended in 2007 without changes to this language by City Council and Planning Commission**

Page 30 states the following: Infill Development Criteria During the planning process community members made specific recommendations for infill development within the West San Carlos corridor, including height, density, tenant mix, and architectural character. Height/Density Community members support significant density and height for new development, provided it is sensitive to adjacent neighborhood conditions.

The “Infill Location and Heights” graphic on the following page illustrates height/density criteria. Infill recommendations for specific locations are:

- West San Carlos Street Frontage - Replace existing auto and light industrial uses with housing over commercial; 4-5 stories average height along the frontage, stepping down to 3 stories adjacent to single-family areas on the north and south.

Page 31 includes a map clearly identifying the site as a redevelopment area with 4 -5 stories.

## **Draft Amended DSAP**

Page 49

Lot Line and Right of Way step back Plane

From the mid-block Lot Line and Right of Way Setback Plane lines to W. San Carlos, how many square feet of land does this section include? How many square feet of land are in the entire DSAP?

Page 51

The Lot Line step back Plane figure 2-4-8a demonstrates how this will work for a Rear Shared Property Line.

The Lot Line step back Plane does not apply to only rear property lines.

The majority of the property lines are side property lines with only three (3) foot setbacks.

Provide an additional figure to demonstrate the proposed setback plane under these conditions.

In the DSAP area (with the exception of Downtown West), on a map please show developments built within the past 20 years, projects currently under construction, entitled projects, development proposals which are scheduled to be approved before the final version of this amendment, development proposals which have held publicly noticed meetings.

Provide information about the loss of "theoretical capacity" for commercial and residential development in the DSAP due to the above projects

Provide information about the loss of "theoretical capacity" due to newly acknowledged crane height concerns

Provide information about the loss of "theoretical capacity" if the 3 half-blocks on the south side of W San Carlos between Bird and Delmas were developed to the following heights as called out in the Delmas Park Neighborhood Improvement Plan:

"West San Carlos Street Frontage - Replace existing auto and light industrial uses with housing over commercial; 4-5 stories average height along the frontage, stepping down to 3 stories adjacent to single-family areas on the north and south."

### ***Bicycle and Pedestrian Facilities***

The proposed project would conflict with a bicycle-or pedestrian-related program plan or policy if it would create a hazardous condition that currently does not exist for pedestrians or bicyclists, or if it conflicts with planned facilities or local agency policies regarding bicycle and pedestrian facilities

Several areas both within the project plan and adjacent to the project plan will have significant negative impacts on bicycle and pedestrian safety, conflicting with Envision **San Jose 2040 General Plan Land Use Goal TR-2**: "improve walking and bicycling facilities to be more convenient, comfortable, and safe, so that they become primary transportation modes. Although the Downtown West and adjacent areas will greatly improve pedestrian, bicycle, and other micromodality transportation modes due to the proposed improved network of streets and access to transit, the following locations need greater scrutiny to assure compliance with Safe Routes to Transit, San Jose Bike Plan 2020, and Vision Zero: Onsite Improvements

1. "Off-street path connections along Los Gatos Creek within the project site to fill in gaps in the existing trail, with an off-street path connection running along the western edge of Los Gatos creek between Auzerais Avenue and Park Avenue, as well as along the eastern edge of the creek from West San Fernando Street to West Santa Clara Street. These trail segments would be connected by on-street protected bikeways along

Autumn Street between Park Avenue and the VTA tracks.” A safe pedestrian and bicycle undercrossing is imperative here to assure safety for both recreational uses and transit access for commuters. This will be a major vehicular/bus intersection that will be incompatible with the heavy pedestrian, bicycle and other micromodality uses expected for the project area.

“Controlled at-grade crossing (crosswalk and curb improvements) for the Los Gatos Creek Trail across West Santa Clara Street at or near Delmas Avenue. This crossing would connect the existing segment of the Los Gatos Creek Trail within Arena Green, along the west side of the creek, with a new portion of the trail to be developed as part of the project on the east side of Los Gatos Creek between the VTA tracks and West Santa Clara Street.” This area is slated for a much more intense use than at present: an office building, two residential buildings, an events center, the adaptive re-use of the San Jose Water Building, a large plaza, the Los Gatos Creek Trail, the Guadalupe River Park Trail, plus Arena Green and SAP center all converge here. Simple controlled-grade crosswalk and curb improvements are grossly insufficient for this level of activity on both sides of West Santa Clara Street. We are aware that an undercrossing is unfeasible. An overcrossing needs to be studied for this location along with a more robust analysis of pedestrian and micromobility issues.

1. West Santa Clara Street at Cahill Street is another location that will be unsafe for pedestrian and micromodalities. Two possible solutions might be to include a second BART station entrance at the north side of Santa Clara Street in front of SAP Center or an overcrossing.
2. Provide a detailed safety analysis with proposed solutions for Bird Avenue over Highway 280. The Gardner Academy on the south side of 280 in the Gardner Neighborhood includes an enrollment boundary north of Highway 280 and is currently a pedestrian and bicycle nightmare. A parallel pedestrian/bicycle bridge may be the safest solution here.
3. West San Fernando Street between Race Street and the project area is proposed to be a protected bike lane and currently experiences heavy pedestrian, motorized scooter, skateboard, and other micromodality usage and the bikeway includes a portion of Cahill Park’s promenade. The public safety issues with this bikeway is alarming. An analysis and safety recommendations for this section of West San Fernando Street must be made.
4. A detailed micromodality management plan needs to be produced with robust community involvement and input.

## ***Roadway Network Changes***

Autumn Street and Almaden Avenue do not connect to a major highway, as does Delmas Avenue; this would potentially increase VMT and lead to driver confusion, especially with egress for SAP Center, a new project Events Center and Logistics Center. The Arena Traffic and Parking Management Plan is a very detailed document created with the input of the adjacent residential neighborhoods and for 30 years has worked flawlessly to minimize traffic impacts from SAP Center on said neighborhoods. Removing Delmas Avenue between West Santa Clara Street and West San Fernando Street will have a significant negative impact from visitors to SAP Center, the new Events Center and the new Logistics Center. Google Maps and Waze, if not programmed properly, will automatically send drivers through residential neighborhoods in order to get to the nearest freeway onramp to the south of the project area, the Highway 87 southbound onramp at Delmas and Auzerais Avenues. The TPMP goals must continue to be met and the navigation apps must not send drivers into a residential neighborhood.

DANG recommends a pedestrian crossover on West Santa Clara Street: Elevated crosswalk with stairs, elevators and escalators for safe pedestrian crossing over W. Santa Clara close to Diridon Station.

DANG also recommends an elevated trail connection in the north end of the DSAP based upon the outcome of the DISC development. The final determination of the location and termination points would be coordinated with the public before the Diridon Station work has begun.