

**December 7, 2020**

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

Shannon Hill, Env. Project Manager  
200 East Santa Clara Street  
San Jose, CA 95113  
Sent via email

RE: Downtown West EIR, GP19-009, PDC 19-039 & PD19-029

Shannon,

The Diridon Area Neighborhood Group (DANG) would like to commend Google for their willingness to meet and discuss their exciting project and the potential impacts on our neighborhood. As with all great endeavors, the ability to come together and talk through issues improves the development and the surrounding area long-term. We look forward to continuing the conversation on an ongoing basis. Our comments to the EIR are in the subsequent pages.

Thank you,

Kathy Sutherland  
Laura Winter  
Edward Saum  
Helen Chapman  
Mary Pizzo  
Kevin Christman  
Mayra Flores  
Sondra Weber

Bert Weaver  
Sarah Springer  
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Bill Rankin  
Norma Ruiz  
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Jonathan Martinez

## **Chapter 2: Project Description:**

**Section 2.4.11, 2.12, 2.15, 3.9, Appendix M** – Google has developed the Downtown West Design Standards and Guidelines, which will govern their project unless the City of San José Downtown Design Guidelines and Complete Streets Design Standards and Guidelines supersede them. It is important to maintain congruency and continuity where Downtown West meets the Diridon Station Area. To have this congruency and continuity, Google should request that the City upgrade the Downtown Design Guidelines and Complete Streets Design Standards and Guidelines for developments in the Diridon Station Area outside Downtown West to meet the standards in Google’s DWDSG.

**Section 2-11** – The project is to include replacing the W. San Fernando St. bridge over Los Gatos Creek. The new bridge should be designed and built so that the area under the bridge is not accessible to, nor provide a place where people can camp, hide, or congregate.

**Section 2-13.7** – External factors such as market forces and construction staging for the BART Downtown extension were identified as potentially constraining the implementation of construction phases, but development of a new elevated Diridon Station and realignment of railroad tracks as part of the DISC project were not mentioned. DISC was described in Sec. 2.2.8, but it was not recognized as a potential construction phasing constraint.

## **Chapter 2, Sections 2.6 Parks and Open Space and 3.12 Parks and Recreation**

- Quimby Act requires 3 acres of park area for every 1,000 persons, the Envision San Jose 2040 General Plan policy provides for 3.5 acres per 1,000 population. Based on the projected population of 12,980, the acreage requirement would be between 38.94 (Quimby Act) and 45.43 (City policy). This project indicates 15 acres of park area of which, we understand, 10 acres are private land which will allow public access.
- The DEIR does not outline quantifiable mitigations to offset the disparity in meeting the park acreage goals especially within the project and surrounding area.
- It is our position that private land should not be counted to meet park requirements. How is the community assured that private land, if sold, will be retained as park space for the public?
- The DEIR states that "15 acres of parks and open spaces, in parks and plazas, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails..." (Page 3.12-44, first paragraph). It is our position that the highlighted items do not meet the park requirement.
- Page 3.12-48 indicates that the General Plan and DSAP identified the SJFD Training Center as a potential site for a new, approximately 5-acre community park plus a 1-acre plaza with an expansion to approximately 8 acres. This has been removed. How will this be replaced?
- How do the current planning efforts for High Speed Rail align with the proposed park land dedicated by Google?

**Section 2.6-37** "Serviced pavilions, each up to 5,000 gsf in size, are anticipated to be located within Los Gatos Creek Park, Creekside Walk at South Autumn Street, and Northend Park. Un-serviced pavilions may include public restrooms, shared community meeting space, pre-cooked food and beverage, and educational/learning/exhibit space. Un-serviced pavilions, each up to 2,500 gsf, are anticipated in St. John Triangle and the Gateway to San José. Kiosks, no larger than 1,500 gsf each, may include commercial concessions, newsstands, food and beverage (pre-made), recreational rentals, and canopy structures, and would be located at approximately 10 locations throughout the project's open spaces." Who will maintain and service the "serviced pavilions"? Who will maintain the "un-serviced pavilions"?

**Discovery Dog Park:** A neighborhood amenity could be an upgrade on the dog park. It needs better lighting, a solid fence backing up to Caltrans property, doggy turf and upgrades similar to that of Del Monte Dog Park.

### **Chapter 3, Section 3.7 Hazards and Hazardous Materials**

3.7-59-61 Site 15- Diridon Caltrain Station and Caltrain Parking Lots (65 Cahill Street): pg. 61 "However, the remaining soil and groundwater have concentrations above various soil and groundwater screening levels. It is unknown whether contamination from the prior uses has migrated east to the parcels of the proposed project. Therefore, these parcels have the potential to affect the project site parcels to the immediate east." How will this possible groundwater contamination affect the construction Downtown West has proposed in this area, and the time-line going forward?

3.7-62 Site 20- Dariano & Sons 638 Auzerais Avenue: "Given the location, contaminated groundwater may affect the southernmost portion of the project site, such as APNs 264-15-17, 264-15-18, and 264-15-019. No off-site wells have been constructed between this site and the project site, indicating that it is unknown whether the groundwater contamination extends beneath the project site." How will this possible groundwater contamination affect the residential construction Downtown West has proposed in this area, and the time-line going forward?

3.7-63 Summary of Off-Site Property Hazardous Materials Issues, and 3.7-93, 94 Hazardous Materials Sites explanations – Does not fully answer questions above. Please keep us informed about the progress.

### **Chapter 3, Section 3.9: Land Use**

**Section 3.9.1, 3.9.3** – In describing the land uses surrounding the Downtown West project site and the consistency analysis for policy LU-9.2, Google should recognize that the neighborhood adjacent to the project site is Delmas Park, which was organized in the early 2000s as part of the Strong Neighborhood Initiative program, and that Lakehouse, Park-Lorraine, and Auzerais-Josefa are sections of the Delmas Park neighborhood.

**Section 3.9.3** – A criterion of CEQA is that a project would not physically divide an established community or would not create a barrier that would physically sever two or more connected parts of a community. We believe that Impact LU-1 occurs at Block E1 and is a significant impact requiring mitigation. The existing status is that Delmas Ave. is an open thoroughfare through Block E1 providing direct north-south access between W. Santa Clara St. and W. San Fernando St. The project proposal is for Delmas Ave. to be vacated and for a large office building to be built on Block E1, inhibiting north-south movement. The path would be closed to public vehicular traffic, and pedestrian and bicycle traffic from the south would have to travel around the perimeter of the building to access the Gateway Plaza area, the San José Water Company building, W. Santa Clara St., Arena Green, and SAP Center. This impact can be mitigated by incorporating a pass-through for pedestrian and bicycle traffic through the ground level of the E1

office building. This pass-through would be more consistent with Land Use Policy Goal LU-1.2, LU-1.3, and LU-5.4.

### **3.9-10 Shadow**

St. James, Circle of Palms, Plaza de Cesar Chavez, Paseo de San Antonio how will the development affect these sites.

Include Del Monte Park and Cahill Park

### **Section 3.9-20 / General Plan Policies**

Given the projected development time, what process will be in place to ensure these policies and the spirit of these policies will be continued given the term limits of elected officials and the transitory nature of city employees?

Specifically, CD-1.15, IE-1.5 (identifies Berryessa), VN-1.7 (Visually connecting to surrounding neighborhood), PR-1.8 (should enhance Cahill Park)

### **Section 3.9-27**

Enhance existing neighborhoods by keeping all fees local to provide funding for these enhancements

### **Section 3.9-43**

Goal LU-10

Distribute higher residential densities throughout our city...

The development does not accomplish this - it actually takes units from identified urban villages which does the exact opposite

### **Section 3.9-47**

Shadow

It is completely ridiculous to include these parks with the exception of McEnery Park

They should be eliminated from the EIR

Cahill and Del Monte Parks should be included instead

### **Section 3.9-56**

Why is Delmas Park not included as a neighborhood?

## **Chapter 3, Section 3.10: Noise and Vibration**

**Section 3.10.1, Pg. 3.10-8 and Fig. 3.10-2** – Noise levels at monitoring station LT-2 were monitored in February 2018, and the data were used as baseline noise environment for the site. The narrative states that no substantial development occurred in the area between the time of monitoring and the NOP date. However, during that time construction of a residential building occurred on the northeast corner of Park Ave. and Laurel Grove Lane, directly across Park Ave. from the LT-2 monitoring site. It is questionable whether the 2018 data represent accurate baseline data.

### **Section 3.10 Noise and Vibration**

3.10-31 Central Utility Plant

What remedies will be provided to the homes in the Historic Lakehouse district / suggest double paned windows and other sound limiting measures and air conditioning

### **Section 3.10-34**

Impact NO-1B

Ban private diesel buses.

Allow only electric buses

### **Section 3.11 Population and Housing**

#### **Section 3.11-11, Policy IP-2.4**

What is the definition of "pool" residential units?

#### **Section 3.11-13**

Why were 4,000 dwelling units transferred out of Urban Villages and other Growth Areas to DT?

How does this affect building heights?

#### **Section 3.11-15**

General Plan Growth Reallocation

Why is the city including housing from Urban Village growth areas in addition to Coyote Valley?

#### **Section 3.11-15**

Construction Impacts

Where are the three construction phases defined?

#### **Section 3.11-25**

Indirect displacement

Mayor's plan to build 10,000 affordable units by 2020

How many are currently built, have approved plans?

How will the number of actual affordable units impact displacement?

### **Section 3.13:**

Delmas Avenue:

3.13-2 (clarification) Delmas Avenue is a two-way street where the project proposes a street closure between W. Santa Clara and W. San Fernando, but continues from W. San Fernando to Auzerais as a southbound one-way street.

Delmas Avenue should have a pedestrian passage running south to north on the ground floor of building E-1, with retail shops on both sides of the indoor mall, opening out to the Gateway.

As per Envision San José 2040 General Plan Policy:

- 3.13-20 LU-5.7 “Encourage retail, restaurant, and other active uses as ground-floor occupants...”
- LU-9.1 “prohibit the development of new cul-de-sacs...”
- 3.13-21 TR-2.11 “Prohibit the development of new cul-de-sacs...”
- 3.13-46 “Impact TR-4: The proposed project would not result in inadequate emergency access. (Less than Significant)”

Is there sufficient turn-around space on Delmas Avenue cul-de-sac for Emergency Vehicle use?

### **Impact TR-1 *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.

2. The new bridge on West San Fernando Street over the Los Gatos Creek Trail should include a bicycle path undercrossing along Los Gatos Creek

3. "The project applicant proposes to construct mid-block passages at several locations to facilitate pedestrian and bicycle access through the project site and break up the scale of larger blocks."

As part of this effort to provide access and break up larger blocks, the commercial building along Santa Clara Street just to the west of the San Jose Water Company building also needs to include this feature. Offsite Improvements

1. "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.
2. 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.
3. 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.
4. 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.
5. A detailed micromodality management plan needs to be produced with robust community involvement and input.



## **Impact TR-2 Roadway Network Changes**

*“With the extension of Cahill Street and parallel Autumn Street, the project site would maintain continuous north-south connections through the project site.”*

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.