

From: [Katja Irvin](#)
To: [Hill, Shannon](#); [Hughey, Rosalynn](#)
Cc: [Gita Dev](#); [James Eggers](#); [Barbara Kelsey](#)
Subject: NOP comments for the Downtown West Mixed Use Plan (Google Project)
Date: Friday, November 22, 2019 4:25:19 PM
Attachments: [Sierra Club- Downtown West Project NOP Comments.pdf](#)

[External Email]

Dear Shannon and Rosalynn,

Please find a comment letter on the subject NOP from the Sierra Club Loma Prieta Chapter attached.

Let us know if you have any questions.

Best regards,

Katja Irvin
Conservation Committee Co-Chair
Sierra Club Loma Prieta Chapter

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November 22, 2019

Rosalynn Hughey, Director
Department of Planning Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113-1905

Attn: Shannon Hill, Environmental Project Manager,
via e-mail shannon.hill@sanjoseca.gov

Re: Notice of Preparation of an Environmental Impact Report for the Downtown West Mixed Use Plan (Google Project)

Dear Ms. Hughey

Thank you for the opportunity to provide comment prior to the development of the EIR for the Google "Downtown West" Project. We have several concerns that should be addressed in the EIR analysis.

Aesthetics

Downtown Design Guidelines San Jose has recently adopted Downtown Design Guidelines, which should be considered for this area as well, and which recognizes the importance of scale in downtown and the importance of sites fronting open space, parks and waterways, for visual permeability and a finer grain. Please analyze the project's compliance with all standards and guidelines in the 2019 San Jose Downtown Design Guidelines, including:

- Please consider the massing and scale of the Project
- Please consider the natural setting of the Project along the Los Gatos Creek
- Please analyze compliance with the following Vision and Guiding Principles,
 - Put People First: Promote health and activity with safe, attractive, functional, and comfortable urban spaces and buildings.
 - Blocks are the foundation of urban development. Small blocks also promote buildings which provide greater view opportunities and make it possible for good pedestrian circulation. Pedestrian circulation is the top priority for circulation in a Transit- Oriented Development (TOD) area.

Biological Resources

The Project will stretch along the Los Gatos Creek. Please analyze impacts on Los Gatos Creek and its entire riparian corridor and setback areas as follows.

- Provide a complete inventory of all native trees (of all sizes) in the riparian corridor. Please analyze the biological impact of shading during the day and increased ambient lighting during the night on the riparian vegetation.
- Provide a complete inventory of fish and other aquatic wildlife such as beavers and others that have been observed in the Los Gatos Creek. It is the goal to revive these waterways and bring back species that have historically been known to inhabit the creek in order to restore a healthy ecology in this riparian corridor.
- Provide information on tree removal of any California native tree species and identify potential impacts to roots of any additional native trees. Because mid-story trees provide critically important resources to resident and migratory fauna in the riparian area, please provide information for all native trees, not only ordinance size trees.
- Provide analysis of how reflected sunlight and/or glare may impact creek temperatures and the aquatic ecosystem, including Steelhead and light-sensitive aquatic species.
- Analyze impacts to animal movement due to increased artificial lighting in the creek corridor, especially at night. Consider both indoor and outdoor lighting.
- Analyze impacts to riparian habitat from reduced natural light due to tall office buildings.
- Analyze impacts to riparian habitat from additional noise pollution due to additional traffic and additional human activity near the Los Gatos Creek corridor.
- Analyze impacts to animal movement resulting from construction and use of an additional pedestrian bridge over Los Gatos Creek. Minimize impact this bridge will have on riparian habitat by minimizing any structural elements in the riparian corridor.
- Provide analysis for impacts to resident and migratory avian species in the creek corridor.
 - The risk of collision with glass. Please note that we believe that compliance with the San Jose Downtown Design Guidelines is important but may not reduce the impact to a less than significant level if buildings are close to the creek.
 - Impact of increased ambient lighting in the creek corridor due to indoor and outdoor lighting.

Please mitigate for use of outdoor LED lighting by using fixtures that produce Correlated Color Temperature (CCT) of no more than 3000. See <https://www.ledprofessional.com/resources-1/articles/hazard-or-hope-leds-and-wildlife> for additional recommendations.

Use of Pesticides and Fertilizers – the use of herbicides, pesticides, rodenticides and fertilizers can cause direct and secondary harm to aquatic and terrestrial wildlife. This risk is heightened at this location so near to riparian habitat.

- Mitigation: Do not allow the use of pesticides or fertilizers during construction or operation of this Project
- Mitigation: Identify alternatives to biocides and require the use of *Integrated Pest Management* techniques for this Project

Energy

The NOP acknowledges that implementation of the project would result in an increased demand for energy and proposes that the Project will include design measures to reduce energy consumption.

The EIR should analyze the anticipated increase in electric and gas utility demand during construction and life of the Project and provide a seasonal break down to analyze summer (July-August) and winter (December January) demands of heating and cooling.

Mitigation should require:

- The Project to be certified by an independent third party to meet the ZNE (zero net energy) certification and verification requirements as required by San Jose's Climate Action Plan in order to meet the city's carbon reduction goals (Page 151, Climate Smart San Jose).
- The Project to reduce the glass surfaces to no more than 40% to comply with a Wall to Glass/Window Ratio recommended by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (see <https://www.ashrae.org/technical-resources/ashraehandbook>)

Greenhouse Gas Emissions

Please provide analysis of greenhouse gas emissions associated with heating, cooling, electric appliances, and other energy demands during construction and operation of the project.

Hydrology and Water Quality

Groundwater levels at the project site range between 0 and 20 feet. Therefore, any below-ground construction for the Project will require dewatering and may permanently impact the water table and subsurface groundwater flows.

Analyze the following potential impacts of dewatering and below-ground construction based on an estimated below-ground construction at anticipated locations within the project, including cumulative impacts if several below-ground construction projects occur simultaneously:

- Surface water quality. Do samples show any potentially harmful contaminants that need to be removed with a treatment system before being discharged?
- Ground water quality. Do samples show any potentially harmful contaminants that need to be removed with a treatment system before being discharged?
- Impacts of groundwater pumping on the anticipated sites and surrounding areas (Hydrogeological Study). The Study should include the radius of influence (i.e. extent of cone of depression) from each dewatering well as a function of time, based on local soil and groundwater conditions. Will groundwater depletion occur due to dewatering and could this impact adjacent sites and result in land subsidence at those sites or impact trees and plants on those sites that rely on groundwater?
- Impacts of groundwater pumping on the surface water in Los Gatos Creek and Guadalupe River (Hydrogeological Study). Will the interaction between groundwater and surface water be impacted?
- Impacts of groundwater pumping on the capacity of the City's storm drain system or sanitary sewer system, especially during the rainy season from November through March.
- The impacts of energy used for groundwater pumping should be included in the Energy analysis.

- The impact of the noise generated during groundwater pumping should be included in the Noise analysis.

Analyze the following potential impacts of below-ground structures once construction is complete:

- Will below-ground construction block the flow of groundwater in surrounding area? Please analyze underground flows into and along Los Gatos Creek and Guadalupe River.
- How will the anticipated below-ground structures impact the water table in the surrounding area? Will the water table rise and result in surface flooding on nearby streets or properties?
- How will the potential for flooding of the underground structures be addressed? During the Coyote Creek flood, trash and chemicals were also released. In the event of a flood event, how will below-ground structures be safeguarded and what pumping techniques will be used to prevent contamination of groundwater and Los Gatos Creek and the Guadalupe River?

Proposed mitigations for impacts of below-ground construction and structures:

- Require construction processes that reroute natural underground water flows.
- Install a groundwater monitoring wells.
- Provide a list of potential actions and solutions should groundwater monitoring program indicate problems.
- Test groundwater discharged into a storm drain for contamination per Regional Water Quality policies.
- Meter extracted groundwater.
- During dewatering, submit periodic reports showing current groundwater levels, pumping rates, and water quality standards.
- Require avoidance measures to minimize the flow rate and duration of the pumping.
- Install sediment settling tank systems and/or treatment systems to improve discharged water quality.
- If feasible, percolate discharges onto the construction properties rather than into the storm drain system.
- Provide Fill Stations to allow the City and nearby residents and business owners the opportunity to use the pumped groundwater to minimize the amount discharged to the storm drain system.
- Limit dewatering during the rainy season (between November and March) due to stream or storm drain capacity issues.
- Engineer post-construction groundwater flow to match pre-construction groundwater flow.

Water quality and runoff – this project will result in an exponential increase in traffic on roadways. Studies show runoff from highways contains detectable levels of zinc, lead, copper, and nitrate/nitrite.

Please study the following impacts:

- Pollutants from motor vehicles include oils and grease (from leaks) and heavy metals (from car exhaust, worn tires and engine parts, brake pads, rust, or used antifreeze). Vehicle-related particulates in highway runoff come mostly from tire and pavement wear (~ 1/3 each), engine and brake wear (~ 20%), and exhaust (~ 8%) (EPA 1996). Each year,

approximately 185 million gallons of improperly discharged used motor oil pollutes streams, lakes, and coastal areas (Indicators of the environmental impacts of transportation. Updated Second Edition. Publication # EPA 230-R-99001, Office of Policy, Planning and Evaluation. Washington, D.C.).

- The impact of these toxins on water quality in the Los Gatos Creek needs to be analyzed. How will all the additional pollutants from cars impact runoff into the Los Gatos Creek?

Proposed mitigation for polluted runoff:

- Install green street infrastructure on all streets. Use Low Impact Development strategies, including on site stormwater management, reduce pollutant discharges and the potential for flooding.

Population and Housing

A complete analysis of development in this region must be done to adequately determine the impact on traffic, congestion, GHG emissions, and displacement of residents. This analysis must include the timelines for transit development and whether office development will out-pace housing and transit developments.

Please analyze the impact of the proposed development on housing availability and on increased commuting from distant locations due to the housing shortage in San Jose. Include this information in the Greenhouse Gas Emissions analysis.

San Jose is already experiencing an increasing homeless population (the 2017 census showed 4350 homeless individuals; the 2019 census identified 6,172). Please analyze the potential environmental impacts (trash, biological waste, hazardous waste) of an increased homeless population along San Jose waterways.

Transportation

Please include in mitigation a transparent and verifiable Transportation Demand Management program.

Utilities and Services Systems – Water Supply

The Water Supply Assessment should evaluate cumulative impacts including all other anticipated large downtown development projects in the pipeline. Here is a partial list of projects in the pipeline that should be considered:

- SP18-016 27 South First Street Mixed-Use Project
- HP18-002 & H17-062 West Santa Clara St & Almaden Ave Development
- SP18-020 & T17-064 440 West Julian Street Office Project
- PDC16-036 4300 Stevens Creek Boulevard Mixed-Use Project
- H14-011 237@First Homewood Suites Hotel
- H16-036, T16-048 300 South Second Street Student Housing
- H18-026 477 South Market Street Mixed-Use Project

- H18-037 Adobe North Tower
- H18-038 Almaden Corner Hotel Project
- PDC15-058 & PD15-053 America Center Phase III Project
- C17-009, SP17-016 & T17-015 Auzerais Avenue Residential Project
- PDC17-056 Avalon Expansion Project
- PDC17-040 Cambrian Park Plaza Project
- GP06-04-01 and PDC03-108 Flea Market General Plan Amendment and Rezoning
- SP18-001, T18-001 Garden Gate Tower
- GP17-006, GPT17-008 & C17-031 Julian Street General Plan Amendment, Diridon Station Area Plan Text Amendment & Rezoning
- CP19-006 Meridian Residential Project
- SP17-031 and T16-024 Museum Place Mixed Use Project
- HA14-009-02 and HPA14-002-02 Park View Towers Revised
- HA14-023-02 Post Tower Amendment
- H17-006 and T16-061 Ruby Avenue Residential Project
- PDC17-051 San Jose Flea Market Southside Rezoning
- H16-042 and HP17-003 San Jose Tribute Hotel Project
- SP17-009 and T16-056 SJSC Towers Mixed-Use Project
- H17-004 South Fourth Mixed-Use Project
- SPA17-023-01 Starcity Co-Living Project
- PDC18-037 & GP18-014 Winchester Ranch Residential Project
- H19-004 Almaden Office Project

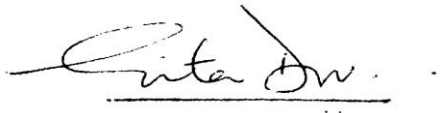
Address the following questions related to water supply:

- How will additional supplies be provided by the San Jose Water Company and what additional supplies (or conservation, etc.) will need to be developed to meet that demand? Consider committing to net-zero water use as a mitigation measure.
- How will this project and others that draw from the same water supply source (groundwater pump or water treatment plant) impact that water supply source? Does that source have the capacity to meet all the new demands? Will the additional demand bring overall water demands above or close to the threshold where the source will need to be upgraded to meeting the demand? Analyze the environmental impacts of construction and operation of any additional water supply infrastructure that will be needed.

Mitigation and Monitoring

Please publish all test results and monitoring reports online during construction and for at least 25 years after construction so all results are available for public review. This should include all impacts to air, water, and biological resources.

Respectfully,

A handwritten signature in black ink that reads "Gita Dev". The signature is written in a cursive style and is underlined.

Gita Dev
Sustainable Land Use Committee, Sierra Club – Loma Prieta Chapter

A handwritten signature in black ink that reads "Katja Irvin". The signature is written in a cursive style.

Katja Irvin
Conservation Committee, Sierra Club – Loma Prieta Chapter

Cc James Eggers, Executive Director, Sierra Club - Loma Prieta Chapter (SCLP)
Gladwyn DeSouza, Conservation Committee, SCLP