

**From:** [Hill, Shannon](#)  
**To:** [Elliott Schwimmer](#); [Hillary Gitelman](#); [Karl Heisler](#); [Linda S. Peters](#); [Meryka Dirks](#)  
**Cc:** [Downtown West Project](#); [Keyon, David](#)  
**Subject:** FW: Sierra Club Loma Prieta Chapter comment letter re: Downtown West Mixed-Use Plan DEIR Comments  
**Date:** Wednesday, December 9, 2020 7:56:15 AM  
**Attachments:** [LPSC Downtown West DEIR comments.pdf](#)  
[LPSC Downtown West DEIR comments.pdf](#)

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Please refer to the attached comment on the DEIR from the Sierra Club Loma Prieta Chapter. I am forwarding both attachments sent for the record. However, it appears the attachments are identical.

Thanks,

Shannon Hill, Planner  
Planning, Building & Code Enforcement | Environmental Review Section  
City of San José | 200 East Santa Clara Street  
[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov) | (408) 535 - 7872

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**From:** Barbara Kelsey <[barbara.kelsey@sierraclub.org](mailto:barbara.kelsey@sierraclub.org)>  
**Sent:** Tuesday, December 8, 2020 4:49 PM  
**To:** Hill, Shannon <[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov)>  
**Cc:** Dave Poeschel <[dave.poeschel@gmail.com](mailto:dave.poeschel@gmail.com)>; Gita Dev <[gd@devarchitects.com](mailto:gd@devarchitects.com)>; James Eggers <[james.eggers@sierraclub.org](mailto:james.eggers@sierraclub.org)>  
**Subject:** Sierra Club Loma Prieta Chapter comment letter re: Downtown West Mixed-Use Plan DEIR Comments

[External Email]

December 8, 2020

Shannon Hill  
Environmental Project Manager  
City of San Jose

Dear Ms. Hill,

On behalf of our thousands of members and supporters in San Jose, the Sierra Club Loma Prieta Chapter appreciates the opportunity to provide comments on the Downtown West Mixed-Use Plan Draft Environmental Impact Report (DEIR). Please consider our comments as attached.

Thank you for considering our concerns about the environmental impacts of the Downtown West Mixed Use Plan and we look forward to continuing to work with the City and the applicant to make sure these impacts are mitigated to the greatest extent feasible.

Sincerely,

**Dave Poeschel**  
Guadalupe Group Conservation Chair

Sierra Club Loma Prieta Chapter

**Gita Dev**

Sustainability and Land Use Committee Chair

Sierra Club Loma Prieta Chapter

sent by:



**Barbara Kelsey**

**Chapter Coordinator**

**Sierra Club, Loma Prieta Chapter**

**3921 E. Bayshore Rd, Suite 204**

**Palo Alto, CA 94303**

**[barbara.kelsey@sierraclub.org](mailto:barbara.kelsey@sierraclub.org)**

Please note that our Chapter office in Palo Alto is closed at least until March 1, 2021 so email is the best way to contact us. Thank you.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



San Mateo, Santa Clara and San Benito Counties

December 8, 2020

Shannon Hill, Environmental Project Manager  
City of San Jose

Via email to: shannon.hill@sanjoseca.gov

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Please consider our comments as follows.

**Biological Resources – Riparian Setbacks and Habitat Plan**

Google LLC, the project applicant, is proposing the Downtown West Mixed-Use Plan (proposed project) as part of the company’s expansion of its workforce and business operations in the Bay Area. Draft EIR Section 2.12 Downtown West Design Standards and Guidelines states, “As part of the proposed project, the project applicant is proposing the adoption of detailed design standards and guidelines that would apply to development on the project site. These enforceable Downtown West Design Standards and Guidelines, a draft of which is provided in Appendix M, would be approved as part of the Planned Development Permit. In addition to the project-specific Downtown West Design Standards and Guidelines, the Downtown Design Guidelines and the Complete Streets Standards and Guidelines would continue to apply to development of the project unless a standard or guideline under the Downtown Design Guidelines or the Complete Streets Standards and Guidelines is expressly superseded by the Downtown West Design Standards and Guidelines.”

The Downtown West Design Standards and Guidelines, FIGURE 4.16: Riparian setbacks and ecological enhancement zone, depicts several Santa Clara Valley Habitat Plan covered activities that shall not be permitted since under Condition 11, Exemptions, as it states, "Regardless of project location, stream setback exceptions may not reduce a Category 1 stream setback to less than a distance of 50 feet for new development or 35 feet for existing or previously developed sites with legal buildings and uses (Figure 6-3b). All applicable fees must be paid for areas granted an exception." Page 6-54, <https://www.scv-habitatagency.org/DocumentCenter/View/128/Chapter-6-Conditions-on-Covered-Activities-and-Application-Process>

The Downtown West Design Standards and Guidelines, page 83, states, “Consistent with the previously approved project on the former San José Water Company site, the Project provides a 30-foot setback for new building construction from the top of the channel wall along the Guadalupe River.” This is inconsistent with the Santa Clara Habitat Plan for this Category 1 stream. It may qualify for an exception to the 100 ft. setback since an existing development already exists but still a minimum 35 ft. setback is required.

The Downtown West Design Standards and Guidelines, S4.8.3 Los Gatos Creek Riparian Setback, page 85 states, “If existing structures encroach on the Los Gatos Creek Riparian Setback, replacement structures are permitted subject to standards of Sections 5.5 and 5.6.” yet there are structures of the project well within the Santa Clara Habitat Plan minimum setback for this Category 1 stream. Again, the Santa Clara Habitat Plan for this Category 1 stream does not permit structures to be replaced unless they are setback to its minimum required 35 ft. FIGURE 4.42: Illustrative plan of the Creekside Walk at South Autumn Street, clearly depicts existing buildings well within the minimum setback which should not be permitted to be replaced in the 35 ft. setback.

Furthermore, construction staging should not be allowed within the 50 ft. setback area.

Please include in the EIR discussion of the reduced setback exception, how the required findings will be made, and how encroachment into the 50’ and 35’ riparian setbacks will be mitigated under the rules of the Habitat Plan and regulations of other agencies.

### **Biological Resources – Mitigation and Monitoring Plans**

Many possible impacts from the project are deferred to mitigation and monitoring plans and adaptive management, for example the *Riparian Habitat Mitigation and Monitoring Plan* and the *Riparian Vegetation Monitoring Plan*. Instead, up front mitigations should be emphasized such as: requiring lower building height and massing step-back to avoid riparian shading and avian impacts; avoidance of glass curtain walls within riparian setback area (up to 300’ for bird safety); and requiring construction activities to avoid existing higher quality riparian areas.

### **Noise – Impacts on Riparian Habitats**

Wherever mitigations refer to “noise sensitive land use,” change this to “noise sensitive land use or riparian corridor.” Similarly, for “Stationary-Source Equipment Placement” change to “... shall be located as far from adjacent properties and riparian corridors as possible.” Other noise mitigation measures should be updated similarly to ensure the riparian corridor is protected from noise sources to the same extent as sensitive land uses.

### **Transportation – Parking**

Parking in this district needs to be efficient and usable by the public as well as office workers and residents. Districtwide parking strategies have not yet been defined by the City.<sup>1</sup>

We note that parking is described as follows:

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<sup>1</sup> DEIR page 3.13-23: The City will also prepare area-wide implementation strategies for shared parking, infrastructure financing, and affordable housing.

DEIR Project Description, page 2.14: The project proposes to provide up to 4,800 publicly accessible commercial parking spaces in below-ground parking structures of up to three levels, as well as above grade in a limited number of the office structures. Some of the commercial parking could be provided using mechanical parking stackers, which permit the floor area of a single parking space to accommodate more than one vehicle. Up to about 2,360 unbundled parking spaces would be available for the proposed project's residential uses, and would be provided in either below-ground or above-ground parking structures; a portion of these residential spaces could be available for shared parking by project office employees

We have the following concerns:

**Inefficiency:** Scattering public parking in a variety of office buildings is a recipe for inefficient use of parking, regardless of how good interactive signage may be that indicates empty spots in random buildings along a one-mile-long area.

**Event center parking:** For the SAP center, visitors with no familiarity to the area will be looking for parking. It is not realistic to assume that the public will wander from building to building looking for an available parking spot.

**Security concerns will make parking unavailable:** It is our experience that Google has security considerations that frequently require it to secure its buildings from random acts of terrorism. Providing public access to the basement levels of its buildings, with public parking, is not a viable solution for Google office buildings. Only public parking garages are going to assure the public permanent access to Google office parking.

**Parking is a critical element in the success of the Diridon area. The project description is not a sustainable solution to shared parking:** MOST of the parking should be accumulated in clearly marked public parking structures that are located about a 5 to 10-minute walk apart, easily found and with good signage. ALL office parking is supposed to be shared parking and some residential parking is shared.

**Timing for parking in office buildings:** Is shared parking in office buildings going to be shared throughout the day? Or only during the evening hours?

**Parking in separate public parking structures is the only way, long term, to assure that office parking will be available to the public at all times and will be efficiently utilized.**

**Mitigation:** Clear requirements for percentage of parking to be in public parking structures for publicly accessible parking and shared parking need to be included as mitigation requirements.

## **Hydrology and Water Quality – Stormwater**

Hydrology, Stormwater management, page 3.8-6: Under existing conditions, stormwater runoff from the project site is not treated before its discharge to the City's collection network.<sup>2</sup>

The project area includes 3.5 miles of backbone storm drainpipe (18 inches in diameter or larger) with five outfalls extending to the Guadalupe River and nine outfalls to Los Gatos Creek. Three pump stations

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drain under the railway underpass, at Julian Street, Santa Clara Street, and Park Avenue. This infrastructure serves to prevent flooding of streets and highways and is maintained by the City's Department of Transportation and Public Works Department.

We have the following concerns about stormwater runoff and potential water quality issues:

DEIR TABLE 3.8-2 BENEFICIAL USES AND IMPAIRMENT STATUS OF WATER BODIES IN THE PROJECT AREA lists contaminants in stormwater being directed to water bodies in the area. Toxics from tire dust and brake dust are not listed in this table. Recent studies have shown that toxics from these are lethal to fish.<sup>3</sup> Existing storm water lines are directing stormwater into nearby creeks and waterways. Toxic tire dust and brake dust should be included as contaminants that need to be removed from stormwater before discharge into streams.

Monitoring should include toxic tire dust and brake dust in the list of toxins that are tested.

ALL stormwater from all the streets should go through bioretention basins that are specially designed to remove toxins from tire and brake dust before the water goes into pipes that discharge into the creeks and rivers.

### **Hydrology and Water Quality – Dewatering**

Thank you for your attention to groundwater dewatering in the DEIR. Groundwater levels at the project site range between 0 and 20 feet, per groundwater elevation data from the Valley Water website. Therefore, any below-ground construction for the project will require dewatering and may permanently impact the water table and subsurface groundwater flows.

Therefore, we suggest the following additional mitigation measures:

Require analysis of the impacts of groundwater pumping on the surface water levels in Los Gatos Creek and Guadalupe River (Hydrogeological Study). Will the interaction between groundwater and surface water be impacted?

Require analysis of the 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.

Include a list of potential actions and solutions in case the groundwater monitoring program indicate problems (during construction or operation), such as:

- Install groundwater monitoring wells.

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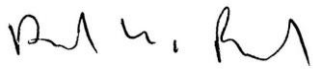
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- Test groundwater discharged into a storm drain for contamination per Regional Water Quality policies.
- Meter extracted groundwater.
- During dewatering, submit periodic reports showing current groundwater levels, pumping rates, and water quality standards.
- Require avoidance measures to minimize the flow rate and duration of the pumping

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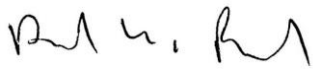
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