

From: [Moua, Louansee](#)
To: [DowntownWestD6](#)
Subject: Fw: Downtown West Mixed-Use Plan - Draft EIR Comments
Date: Monday, May 24, 2021 12:09:46 PM
Attachments: [2020.12 SHPNA to PBCE - Downtown West DEIR.pdf](#)

From: Edward Saum <edward@saumdesignconsulting.com>
Sent: Tuesday, December 8, 2020 2:12 PM
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Subject: Downtown West Mixed-Use Plan - Draft EIR Comments

[External Email]

Dear Ms. Hill -

Attached please find the comment letter from the Shasta / Hanchett Park Neighborhood Association (S/HPNA) regarding the Draft Environmental Impact Report for Downtown West.

Please confirm receipt of this email by return email.

photo



Edward Saum

Vice President + Director for Planning and Land Use

Shasta / Hanchett Park Neighborhood Association

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Shasta/Hanchett Park Neighborhood Association
P.O. Box 28634 • San José, CA 95159 • info@shpna.org • www.shpna.org

December 8, 2020

VIA EMAIL (shannon.hill@sanjoseca.gov)

Shannon Hill
Environmental Project Manager
City of San Jose
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113

Re: Downtown West Mixed-Use Plan
Draft Environmental Impact Report

Dear Ms. Hill:

I am writing to you as the Vice President and Director for Planning and Land Use of the Shasta / Hanchett Park Neighborhood Association (S/HPNA), on behalf of the NA, with our comments on the scope of the Draft Environmental Impact Report (DEIR) for the above-referenced project. S/HPNA represents 4,500 households immediately west of Diridon Station, in the Garden Alameda, Shasta / Hanchett Park, and St. Leo's neighborhoods, directly adjacent to the western boundary of the proposed development area. For more than thirty-five years, we have sought to work with the City of San Jose, developers, and our neighbors to create a vibrant neighborhood.

Given the scale of the Downtown West proposal, and the rare opportunity it presents to reshape an underutilized portion of West San Jose under the auspices of a single, coherent development proposal, the project needs to be held to a higher standard. Therefore, our comments and concerns include, but are not limited to, the following:

- **Google Outreach:** We commend Google for taking a direct, active interest in engaging with adjacent neighborhoods. Google's willingness to meet and discuss the project, and its potential impacts, should be the standard for engagement on any development proposal.
- **Downtown West Design Standards and Guidelines (DWDSG):** Given the size and scope of the proposal, the DWDSG should be the standard for the entirety of the Diridon Station Area (DSA). To hold Google to a higher, more consistent standard than the remainder of the DSA sends the wrong message, and misses an opportunity to create a coherent, vibrant district. The City of San Jose should require that all development within the DSA meet the standards of the DWDSG.
- **Construction Phasing:** The development cycle for Downtown West and the DSAP is a matter of decades. The planning for this time period needs to be just as robust as that for the end product. Any Construction Management Plan (CMP) needs to address all these realities; environmental documents that are created and analyzed in a silo, ignoring tangible adjacencies and real physical and economic challenges, cannot be considered comprehensive. Given the project's immediate adjacency to Diridon Station, the Diridon Integrated Station Concept (DISC) should be a construction phasing and mitigation concern as well. Long before the development is fully occupied, there will be a decade or more of construction, impacting public services, transportation, and quality of life issues for the surrounding residents.

- **Lack of Parks and Open Space:** The 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 persons. The DEIR indicates a project population, at full build-out, of 12,980 people. Under the Quimby Act, this equates to 38.94 acres of park land, while City Policy would call for 45.43 acres. The DEIR indicates that 15 acres will be provided, 10 acres of which is private land that will allow public access. The DEIR does not outline quantifiable mitigations to address the drastic under-provision of parks. The General Plan and 2014 DSAP identified the San Jose Fire Department (SJFD) Training Center as a potential site for a 5-acre community park. This has been removed, with no indication as to how it will be replaced / mitigated.
- **Private Land as Park Space:** Private land should not be counted towards park requirements. What, if any, restrictions are to be put in place to prevent this 'park space' from being sold, and converted back to private use? How can a plaza filled with tables for an adjacent restaurant or coffee shop be considered public space? Will members of the public be guaranteed the right to use such seating, regardless of whether or not they have purchased anything from the nearby venue? Will restaurants be forbidden from taking reservations for said seating, or roping / fencing off said seating during peak hours?
- **Trails and Mid-Block Passages as Park Space:** Google has quite correctly embraced the use of the Los Gatos Creek Trail as an integral part of its proposed internal, non-vehicular circulation. However, counting linear strips of macadam, used solely for circulation, as park space is inappropriate. Similarly, the mid-block passages are a means by which to allow Google employee circulation. If properly lined with ground floor commercial spaces, they can become important connectors, but, like the trails, these are byways for non-vehicular and pedestrian circulation. A development proposal would not be given park land credits for providing landscape pavers at dedicated vehicular circulation; why does hardscape for non-vehicular circulation qualify as park space?
- **Park Maintenance and Service:** The City of San Jose has a proven track record of making substantial capital expenditures for parks and community centers, and then underfunding maintenance and programming. The DEIR indicates no mechanism by which the multiple proposed 'serviced' and 'unserved' pavilions will be maintained; given the City's penchant for neglecting such things, it cannot be assumed that this will be done properly without a specific, binding agreement being put into place as part of the development approval.
- **Separating Means of Transportation:** The City's General Plan Land Use Goals, and its embrace of Vision Zero, emphasize that walking and bicycling become primary transportation methods. While the DEIR shows substantial improvements, it falls short in key areas. Connecting the Los Gatos Creek Trail across West Santa Clara Street with token crosswalk and curb improvements is inadequate. The DEIR calls for massive intensification of uses at this area; an office building, two residential buildings, an events center, the adaptive re-use of the San Jose Water Company Building, a large plaza, the upgraded Los Gatos Creek Trail, the Guadalupe River Park Trail, Arena Green (with the pending Urban Confluence structure), and SAP Center. The proposed improvements would only nominally improve the congestion caused by SAP Center alone and would do little to substantively protect cyclists and pedestrians. The City has cited an overcrossing as an 'ideal solution', at some future, undefined date. The overcrossing needs to be studied as part of the project proposal, and a solution, based on robust analysis of pedestrian and non-vehicular access, should be part of any development approval.

A pedestrian crossover on West Santa Clara Street, close to Diridon Station, would address further shortcomings in the current proposal. The lack of a BART station entrance on the north side of West Santa Clara Street will create a substantial uptick in traffic across West Santa Clara, as will Downtown West's substantial developments to the north. The DEIR does not address this likely order-of-magnitude increase in crossings.

- **West San Fernando Street and Cahill Park Promenade:** West San Fernando Street between Race Street and the project area is indicated as a protected bike lane. This would bisect Cahill Park, eliminating the promenade between the playground and the open grass. West San Fernando Street is a narrow street that already experiences heavy pedestrian, motorized scooter, skateboard, and bicycle usage. The area was converted to permit parking as part of the Arena Traffic and Parking Management Plan (TPMP) more than twenty-five years ago. The proposed protected bike lane is vital, but it undermines the TPMP's detailed commitments and requirements. The proposal reduces the safety and functionality of the single large park immediately adjacent to Downtown West - a proposal that is drastically lacking in parks, reduces the efficacy of mitigations made as part of the Arena's construction - directly undermining the City's commitments to its residents, and substantially increases the non-vehicular usage of a street that is already substandard in many ways - a clear dismissal of Vision Zero principles. Analysis and recommendations for how to improve West San Fernando Street and Cahill Park without causing these substantial harms must be included in the development proposal.
- **Expedite Downtown Transportation Plan:** West San Fernando Street, Cahill Park, and West Santa Clara Street at Diridon Station will all be bottlenecks that clearly prioritize car and bus traffic. The Downtown Transportation Plan (DTP) should be expedited, so that its findings and recommendations can be incorporated into the Downtown West proposal. To undertake an effort as substantial as the DTP, only to have it not apply to the single largest district-wide development proposal in the City's history, is either farcical or a cynical effort to ensure that any impacts of the Downtown West proposal are dismissed as 'existing'. The DTP should provide City Council and PBCE staff with the necessary data and models to address the potential impacts of Downtown West and the DSAP Amendments before they are approved.
- **Historic Resources:** Downtown West calls for the preservation of only one-third of the identified historic resources within its boundaries. If nine developers came before the City with proposals for the DSA, and six of them asked to demolish the resource, the City's Historic Preservation Officer and Historic Landmarks Commission would find this unacceptable. For Google to cite logistics and cost as obstacles to preserving the resources is comical; as of September 2020, Alphabet, Google's parent company, had \$132 billion in liquid assets on hand, a \$13 billion increase in one year. In the past, the City has challenged local developers' claims of preservation as being financially restrictive; one such developer even proposed moving the First Church of Christ, Scientist, a City Landmark, **twice** during construction, to accommodate their condominium proposal. Why is the City willing to accept that one of the five most valuable companies in the world cannot afford to preserve, relocate, or adaptively reuse six structures across over 60 acres?

One need only turn to Google's 'Ten Things We Know To Be True', the company's publicly stated philosophy, to find gaps in the DEIR's findings:

- *'7 – There's Always More Information Out There':* Google states that *"other efforts required a bit more creativity"*. Mayor Liccardo once echoed this sentiment, when speaking about the revitalization of St. James Park. To paraphrase the Mayor, he said that, when doing something as comprehensive as the rethinking of a major urban park, the City needed to get creative about financing the undertaking. St. James Park's revival is a minor undertaking compared to Downtown West, and Google clearly has the means and team members to think more creatively and come up with uses for these historic structures.
- *'10 – Great Just Isn't Good Enough':* The header speaks directly to the current proposal. Defaulting to the standard means by which local developers opt-out of extra effort is disingenuous for a company with Google's stated philosophy, financial means, and professed dedication to San Jose. The text insists that Google strives for *"products and services that set new standards"*, yet the response to addressing the inevitable impacts upon the area's historic resources is anything but a 'new standard'. The verbiage also insists that *"we're always looking for new places where we can*

make a difference. Ultimately, our constant dissatisfaction with the way things are becomes the driving force behind everything we do.” The project’s response to historic resources falls well short of this aspiration.

Three of the six historic resources – the homes at 559, 563, and 567 West Julian Street – are candidates for the City’s receiver site program. Relocating the homes to a single site would help meet Google’s stated environmental goals. The DEIR includes a commitment to affordable housing; reusing existing housing stock on a new, underutilized site would, with the right precepts and covenants, embrace affordable housing, maintain existing housing stock, and show a commitment to the preservation of historic resources. The property at 615 Stockton Avenue – an empty single story commercial building surrounded by surface parking, a stone’s throw from the western boundary of Downtown West – could readily accept all three structures. S/HPNA’s Board and some of its member residents have indicated our willingness to work with the City and Google to make this happen, as it would be a net benefit to all parties. We strongly encourage Google to incorporate this relocation and reuse of historic resources and underutilized land into their development proposal.

We take pride in our neighborhood; S/HPNA Board members and volunteers have been diligent advocates for decades. Density and additional development within, and adjacent to, our boundaries are inevitable; developments that don’t strive to be exceptional, that do all of the necessary things, but few exceptional things, while ignoring or minimizing significant impacts on the adjacent residents, should not be. We welcome development that supports the neighborhoods with community services and amenities, while maintaining and encouraging the walkability and vibrance of the area.

Respectfully submitted,



Edward Saum
Vice President & Director for Planning & Land Use
Shasta / Hanchett Park Neighborhood Association

Cc: Ricardo Benavidez, Google
Councilmember Dev Davis
Councilmember Raul Peralez
Mayor Sam Liccardo
Rosalynn Hughey, Director, Department of Planning, Building and Code Enforcement
Robert Manford, Deputy Director, Department of Planning, Building and Code Enforcement
Toni Taber, City Clerk