

December 8, 2020

Shannon Hill, Environmental Project Manager  
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Submitted via e-mail to [shannon.hill@sanjoseca.gov](mailto:shannon.hill@sanjoseca.gov)

**RE: Downtown West Mixed-Use Plan (Google Project)**  
**File Nos: GP19-009; PDC19-038; PD19-029**  
**Review of Draft Environmental Impact Report**

Dear Ms. Hill:

Please accept this letter as the California High Speed Rail Authority's (Authority) comments to Google's proposed Downtown West Mixed-Use Rezoning and Development Plan (DTW Plan) Draft Environmental Impact Report (Draft EIR) to the City of San José dated October 7, 2020. We appreciate the ongoing partnership with the City of San José and your support for the delivery of high-speed rail passenger service to San José and the San Francisco Bay Area.

The Authority is supportive of the City of San José's efforts to develop the DTW Plan in the Diridon Station Area. The DTW Plan is consistent with Authority policy to attract employment and housing to downtown station areas. Implementation of the DTW Plan will advance city-regeneration and district-scale development consistent with our sustainability policies and vision for the integration of high-speed rail and local land use to transform California.

As discussed in more detail below, the Authority requests that the City of San José and Google consider the following specific revisions to the DTW Plan and coordination efforts:

- Inclusions to demonstrate conformity with the transit-supportive Goals and Policies of the Envision San José 2040 General Plan;
- Updates to the documents to account for the HSR rail alignment laid out in the Authority's San Jose to Merced Project Section Draft EIR/EIS;
- Further analysis to determine the impacts on high-speed rail ridership and modes of access/egress;
- Modifications to the design of the street network to meet the Authority's performance needs for station pick-up/drop-off (for all modes) and address functionality of dynamic lanes, bicycleways, and sidewalks for pick-up/drop-off in constrained right-of-way;

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- Guidance for the future site planning of the BART station to ensure seamless rail-to-rail connectivity to minimize travel times for HSR travelers;
- Recognize and support the intent of the Diridon Integrated Station Concept (DISC) to create a world-class center of transit and public life integrated with surrounding development, especially given the significant level of investment in rail transit serving the Diridon Station area; and,
- Inclusion of a Comprehensive Construction Coordination Plan to avoid and minimize impacts on HSR construction, utility, infrastructure and station access.

The Authority looks forward to working with the City of San José and Google to ensure the coordination necessary to ensure the successful implementation of the respective policies, goals and plans for the Diridon Station Area and downtown San José.

### Effects on the High-Speed Rail (HSR) Project Alternatives

On September 17, 2019, the Authority Board identified Alternative 4 as the Preferred Alternative for the San José to Merced Project Section for inclusion in the Authority's San Jose to Merced Project Section Draft EIR/EIS. Alternative 4 utilizes a blended at-grade high-speed rail/electrified Caltrain configuration through Diridon Station.

Although the Authority identified Alternative 4 as the Preferred Alternative for the San José to Merced Project Section, the final decision about the alternative to be implemented will not be made until after completion of the Final EIR/EIS for the San Jose to Merced Project Section. The EIR/EIS is considering three other alternatives (Alternatives 1, 2, and 3) that share a common aerial station design and aerial alignment through the San José Diridon Station area. Because it remains possible that an aerial alternative could be selected, the Authority has identified the following impact topics that affect all alternatives.

#### **1) RAIL RIGHT-OF-WAY**

The area around Diridon station is a constrained environment with plans for both rail upgrades and new development proposed in the DTW Plan Draft EIR. The Authority's planned rail right-of-way needs are laid out in the San Jose to Merced Draft EIR/EIS and would be impacted by the proposed project described in the DTW Plan Draft EIR. The Authority requests that the City of San José and Downtown West continue to collaborate with the Authority to update the documents to account for the HSR rail alignment laid out in the San Jose to Merced Draft EIR/EIS. This supports our shared goals for effective rail operations and feasible and high-quality station and development projects. It is critically important to reserve space for HSR to avoid challenging right-of-way negotiations in the future and the Authority stands ready to work with the City of San José and Downtown West on these issues. Please see the enclosed Table 1 Potential Right-of-Way and Temporary Construction Easement Impacts by Alternative. For the Authority's Preferred Alternative 4, development would impact planned ROW and preclude track, retaining structures, and temporary construction easements of the north approach to Diridon Station.

The DTW Plan should comply with the transit-supportive Goals and Policies of the Envision San José 2040 General Plan (see *Table 3.13-2 Land Use and Transportation Goals and Policies*) by, including the following in section 3.13.2 Regulatory Framework of Downtown West's EIR (p. 3.13-21):

- Goal TR-4 – Passenger Rail Service: Provide maximum opportunities for upgrading passenger rail service for faster and more frequent trains, while making this improved service a positive asset to San José that is attractive, accessible, and safe.
- Policy TR-4.2 – Work collaboratively with the California High-Speed Rail Authority to bring high speed rail to San José in a timely manner.

Downtown West's development application, submitted in October 2019, accounted for space for a future rail alignment (represented by the hatching and notes included on *Figure 2.09 Illustrative Framework* of the development application). *Figure 2.2 Downtown West Mixed-Use Plan* in the Downtown West Design Standards and Guidelines (DWDSG) does not similarly account for space needed for a future rail alignment. The proposed right-of-way (ROW) boundaries identified in the DTW Plan Draft EIR do not include development setbacks for parcels B1, C1, C2, F5, and G1. The lack of setbacks in these locations could complicate and/or impede the construction and staging of the Authority's project. Additional information on the construction staging of the DTW project would be helpful in evaluating additional impacts on the Authority's project. The Authority stands ready to work with Downtown West and the City of San José to find solutions for the permanent and temporary ROW interfaces between the DTW Plan and the Authority's project.

We noted that deviations from the DWDSG are allowed following implementation of DISC, per approval by the City Director (p. 242). The likelihood of major deviations being needed could be greatly reduced by the Downtown West documents better accounting for the future rail alignment including both HSR plans and the DISC Concept Layout. The Authority requests that the Downtown West documents be updated to account for this.

## **2) STATION ACCESS**

The analysis in the DTW EIR requires further development and is insufficient to determine the impacts on high-speed rail ridership, modes of access/egress, and the implications for the transportation network (including all modes) around Diridon Station. The Authority's critical interaction with the DTW Plan is how high-speed rail passengers get to and from Diridon Station. The Authority's San Jose to Merced Project Section Draft EIR/EIS laid out a series of improvements around Diridon Station to improve access and ensure that passengers will be able to get from high-speed rail to other transportation modes, to the surrounding area, and to the entire service travel-shed surrounding Diridon Station. The DTW Plan proposes a variety of changes to the street network and various access points to the station that would impact the ability of high-speed rail passengers to use the station. Below is a list of specific areas that require further analysis and potential changes to ensure that high-speed rail and other passengers can get to and from Diridon Station. The DTW Plan EIR must ensure that the proposed modifications do not negatively impact high-speed rail passenger access as described in the San Jose to Merced Project Section Draft EIR/EIS.

The Authority supports creating urban walkable environments and requests that the Transportation Policies of the City of San José's General Plan (Chapter 6 - Land Use and Transportation, p. 37) be mentioned, and that the following Transportation Policies from *Table 3.13-2 Land Use and Transportation Goals and Policies in the Envision San José 2040 General Plan* be included in section 3.13.2 Regulatory Framework of Downtown West's EIR:

- Policy TR-1.8 – Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met.
- Policy TR-1.5 – Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

The Authority is highly supportive of DWDSG, Mobility Objectives:

“Improvements throughout this chapter are crafted to enhance transit access and ridership by leveraging the Project’s proximity to Diridon Station, which is served by multiple transit agencies, and where existing and new transit providers are planning future service enhancements.”

“Prioritize space for pedestrians and cyclists within streets to promote walkability and active mobility. Support walking, biking and public transit ridership with amenities that support non-vehicular choice to and from Downtown West.”

The Authority’s concerns regarding the DTW Plan are described below for each mode of access.

#### Pedestrians

The Draft Local Transportation Analysis (LTA) is underestimating pedestrian activity by omitting the consideration of the fact that all transit trips from the DTW development will require people to walk from transit to employment/housing. The analysis included only walk mode share trips generated by the project.

The Authority is particularly concerned about the assumption that all people going to the downtown area walk on the right side of the street and all people going to Diridon Station walk on the left side of the street, which undercounts the pedestrian flows, especially at intersections. The Authority recommends additional analysis that includes not only the walk mode share trip, but also the walk portion of the transit trips. Key areas for station access within the plan area are:

- Cahill Street and Santa Clara Street
- Cahill Street and Park Avenue
- Cahill Street and San Fernando Street
- Cahill Street and Post Street
- Montgomery Street and San Fernando Street
- Montgomery Street and Santa Clara Street

The DTW Plan shows excessive walking distances to cross Cahill Street to enter Downtown West, overloading pedestrian densities at Santa Clara Street, San Fernando Street and Park Avenue intersections. The DTW Plan creates two superblocks across Cahill Street from the station requiring pedestrians to walk over 1,000 feet to Park Avenue and Santa Clara Street, rather than a more walkable pattern of small city blocks with closely spaced intersections. The Authority requests street improvement plans with more frequent pedestrian crossings.

### Bicycles

The DTW Plan should provide street design plan drawings to show how bicycle lanes are configured at intersections, given the high number of commuters accessing the station by bicycle and the high density of onsite workers who will be using bicycles in the station area on a daily basis. The Authority acknowledges the value of considering the quality of user experience in designing bicycle facilities to attract a diversity of riders.

### Transit

Downtown West should comply with the transit-supportive policies of the Envision San José 2040 General Plan, and include the following Policy from *Table 3.13-2 Land Use and Transportation Goals and Policies in the Envision San José 2040 General Plan* in section 3.13.2 Regulatory Framework of Downtown West's EIR (p. 3.13-21):

- Policy TR-3.5 – Work with the Valley Transportation Authority (VTA) and other public transit providers to increase transit frequency and service along major corridors and to major destinations like Downtown and North San José.

The Authority requests that a Mobility Objective be added in the DWDSGs to improve transit access, reliability, and speed and that Downtown West's EIR documents, including through transit-supportive design by reserving space needed for transit.

### Pick-Up/Drop-Off

The Authority recommends that the DTW Plan demonstrate how the design of the street network can meet the Authority's performance needs for station pick-up/drop-off. This is consistent with the following DWDSG Mobility Objective:

"Enable efficient, intuitive and safe movement of cars, buses and trucks through a redundant street grid that is right-sized to traffic volume, has separated space for pedestrians and bicyclists and slows vehicle speeds."

High-speed rail travel choice, compared to flying and driving for inter-regional trips, is sensitive to door-to-door travel times. The Authority's Draft EIR/EIS Alternative 4 uses local streets for curbside pick-up/drop-off at Cahill Street, Montgomery Street, Otterson Street, Stover Street, and Crandall Street. The Downtown West Plan conflicts with Alternative 4 station access improvements by making the following changes:

- Precludes extending Stover Street with development of Site D6
- Precludes extending Crandall Street with development of Site D7
- Reconfigures Cahill Street from San Fernando Street to Otterson Street
- Reconfigures Montgomery Street
- Closes Otterson Street with development of Site F1

### Active Streetscapes

The Authority has the following concerns regarding the functionality of the proposed active streetscapes:

- Location and width of dynamic lanes to serve station access and pick-up/drop-off
- Pedestrian/cyclist adjacency conflicts given highly constrained right-of-way
- Pick-up/drop-off conflicts with bikeways with inadequate sidewalk width between the curb and bikeways for safe pick-up/drop-off
- Inadequate sidewalk width for pedestrian through-movement
- Adequate buffer width for street trees

Per the Vesting Tentative Tract Map for Condominium Purposes PT20 - Downtown West, we want to highlight three examples:

- Exhibit TM-15, D Cahill Street Meander. DTW Draft EIR Alternative 3 is better for locating the bikeway on the east side of the street so that pick-up/drop-off can be located in front of the station. To accommodate a range of vehicles and use of the dynamic lane. For greater flexibility, they need to be 10 feet wide.
- Exhibit TM-15, N. Montgomery Street. Needs a third, new alternative with bikeway on east side of street to avoid conflicts with pick-up/drop-off serving the station on the west side of the street. Dynamic lanes need to be 10 feet wide. Alternatives 1 and 2 have pedestrian/bicycle conflicts when used for pick-up/drop-off.
- Exhibit TM-16, San Fernando Street F1 and F2. Both sections, at 55-foot and 60-foot right-of-way are too narrow to meet functional requirements, especially as the only cross street between two approximately 1,000-foot super blocks extending from Park Avenue to Santa Clara Street. Five-foot-wide sidewalks (after accounting for the one-foot transition) is not a functional width to serve a 280-foot-high building and primary access to the station. Sidewalks need to be at least 12 feet.

The Authority recommends continuing the on-going coordination with the Downtown West development team and the DISC Partner Agencies (defined below) to work together to review the multi-modal functioning of the street network to ensure street design meets the shared objectives of the Authority, DISC Partner Agencies and Downtown West.

### **3) CONSTRUCTION IMPACTS**

#### Overlapping Construction Projects

A comprehensive construction coordination plan is needed to avoid and minimize impacts on HSR construction and station access during operations. The DTW Plan does not propose, and the EIR does not analyze, any solutions to the overlapping construction schedules for the HSR project, BART Silicon Valley Extension, and the DTW Plan to ensure that all projects can adequately meet their respective schedules and avoid substantial delays to these planned, critical transportation projects.

The DTW Plan proposes significant demolition, excavation and earth moving for utilities, district systems, street network changes and new buildings. Ten years of continuous construction is assumed starting in 2021 and continuing to 2031. Three phases of development are planned, and each phase includes development, utilities and street infrastructure to serve that increment of development.

The development and implementation of a Construction Traffic Control Plan needs to have multi-agency coordination and oversight to ensure that the Project Sponsor and their General Contractor(s) minimize and avoid impacts to transit service and station access for transit, bicycles, pedestrians, and vehicles. This includes early notification to affected agencies to ensure adequate time to coordinate construction management and formulate traffic control plans.

#### Future Focused Local Transportation Analysis (LTA)

When future focused LTAs are developed, there needs to be a method for the Authority and transit agencies to review changes to multi-modal access to the station in the plan area. Per the DTW Infrastructure Plan, “future focused local transportation analysis (LTA) will be done to address site access and on-site circulation, in addition to evaluation of multimodal access in the Plan area. Improvement plans deemed acceptable so long as they substantially comply with street sections for typologies shown in the DWDSG.” The City needs to ensure responsiveness to transit agency feedback on these plans to maintain access to transit services.

#### **4) BART AND DIRIDON STATION PASSENGER CONNECTIVITY**

There is no information or guidance for the BART site in the DTW Plan. It is essential that the design of the BART Station and Diridon Station are seamlessly connected to minimize travel time between all rail services. The stations are inter-related projects. However, they have differing governance, funding, design parameters, construction timelines and service schedules. The DTW Plan should provide clear guidance to inform a future development application. The DTW Plan and DWDSG should include the urban design of this site, as well as consideration of implementation over time, including how the BART station connects passengers to: 1) the existing Diridon Station, 2) modifications of Diridon Station for HSR service, and 3) implementation of DISC.

This site is to be jointly developed between Google and BART as a P3 project for the BART station and up to 500 units of housing and 18,000 SF of ground floor retail. The project description Figure 2-4 shows existing and proposed changes to General Plan Land Use Designations shows the site as D1, with a downtown land use designation, however Tentative Map Exhibit TM-9A and the Downtown West Design Standards and Guidelines (DWDSG) show this site as NOT part of the project.

#### **5) DIRIDON INTEGRATED STATION CONCEPT**

The Authority, City of San José, Caltrain, MTC and VTA (the Partner Agencies) entered into a 2018 Cooperative Agreement and mutually accepted a Concept Layout for the future Diridon Station in 2020 that defines a conceptual spatial layout for Diridon Station. The Concept Layout coordinates inter-related projects to realize the benefits from new Bay Area Rapid Transit (BART) service, new high-speed rail service, and additional Caltrain, Altamont Corridor Express (ACE), and Capitol Corridor service coming to Diridon Station. When BART, commuter rail, high-speed rail, light rail, and supporting bus services converge, Diridon Station will support more high-capacity transit connections than any other place in the Bay Area. The Partner Agencies' goal is to develop a world-class center of transit and public life that provides seamless connections between modes and integration with the surrounding neighborhoods.

The Authority supports Downtown West's delivery of a transit-oriented center with new jobs, residences and active uses. The variety of the mixed-use core will promote transit ridership and create an active public realm. The Authority requests that the DTW Plan orient these active uses towards Diridon Station.

The DTW Plan, however, does not anticipate the spatial layout of DISC. Recognizing DISC design elements is an opportunity to achieve excellence in integrating development and transit.

As presented in DWDSG Figure 3.5. Minimum Required Ground Floor Active Use Locations there are no building entrances or active ground floor uses oriented towards the station. Every development block that is adjacent to the station turns away from the station: F1, F5, G1, D1 and C2. It is particularly concerning to not see any information on site D1, which is the BART Station site. Figures 4.3 Character Zones of Downtown West's Open Space Network and Figure 4.4 Natural to Urban Open Spaces are opportunities that could be explored to create more directly visible and accessible open spaces to the station. For example, building entrances could be better oriented toward the station to welcome passengers arriving to downtown San José.

## **6) INFRASTRUCTURE**

The DTW Draft EIR proposed several changes to the infrastructure in and around the Diridon station area. There is an ongoing need for the Authority and CSJ to communicate design evolution and coordinate construction sequencing, given the overlapping schedules. As the design of utilities and infrastructure continues to develop, there should be an emphasis on collaboration between the Authority, the City of San Jose and Google to eliminate conflicting information and simplify construction. The vision of the 2018 California State Rail Plan is to connect the most populous cities of the state together and integrate intercity and regional rail with high frequency service and competitive travel times for long distance and regional trips. High-speed rail will provide competitive travel times between major urban centers of California as well as high-capacity long distance regional and inter-regional travel. With integrated ticketing and fare coordination, high-speed and regional rail services is planned for seamless transfers.

## **7) HSR MODE CHOICE**

The DTW Plan misses an opportunity to include HSR service as a commute travel mode choice as part of the travel analysis as part of TDM reduction strategies. There is no HSR ridership assumed, development period falls within planned HSR Service with Valley-to-Valley service in 2029 with up to 40 trains a day and with Phase 1 Service starting in 2033 with up to 148 trains by 2040. The vision of the 2018 California State Rail Plan is to connect the most populous cities of the state together and integrate intercity and regional rail with high frequency service and competitive travel times for long distance and regional trips. High-speed rail will provide competitive travel times between major urban centers of California as well as high-capacity long distance regional and inter-regional travel. With integrated ticketing and fare coordination, high-speed and regional rail services is planned for seamless transfers.



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Thank you for your consideration of our comments. We look forward to our continuing collaboration with you and your staff. If you have any questions or concerns, please contact me at (916) 718-6981 or [serge.stanich@hsr.ca.gov](mailto:serge.stanich@hsr.ca.gov).

Sincerely,



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cc: Boris Lipkin, Scott Rothenberg, Meg Cederoth, Gary Kennerley, Bryan Porter,  
Chris Diwa, Bruce Fukuji

Enclosure: Table 1 – Potential Right-of-Way and Temporary Construction Easement Impacts  
by Alternative

**Table 1 – Potential Right-of-Way and Temporary Construction Easement Impacts by Alternative**

Alternative	Right-of-Way and Temporary Construction Easement Impacts (Based on Figure 2-10 of DTW DEIR)
Alternative 4 (with 40mph design variant)	<ul style="list-style-type: none"> <li>Parcel A1: ~0.11 ac impact to planned ROW, precluding UPRR MT0 track and retaining wall structures; Sta B3050 to B3054. (Approximately 0.17 ac additional impact to proposed TCEs adjacent to planned ROW south to Cinnabar St.)</li> <li>North-End Park: ~0.33 ac. impact to planned ROW, precluding UPRR MT0 track and retaining wall structures; Sta. B3058 to B3063. (Approximately 0.13 ac additional impact to proposed TCE need identified adjacent to planned ROW)</li> <li>Parcel B1: ~0.02 ac. impact to planned ROW, precluding UPRR MT0 track and retaining wall structures; Sta. B3064 to B3066, ~0.02 ac. (Approximately 0.04 ac additional impact to proposed TCE need identified adjacent to planned ROW)</li> <li>Parcel C1 and St. John Triangle: ~0.29 ac. impact to planned ROW, precluding UPRR MT0 track and retaining wall structures; Sta. B3066 to B3072. (Approximately 0.29 additional impact to proposed TCE need identified adjacent to planned ROW)</li> <li>Parcel C2: ~0.14 ac. impact to planned ROW, precluding UPRR MT0 track and retaining wall structures; Sta. B3072 to B3075. (Approximately 0.14 ac additional impact to proposed TCE need identified adjacent to planned ROW)</li> <li>Parcel C1: ~0.9 ac impact precludes replacing 116 displaced parking spaces and reconfiguring parking drive aisles and spaces to adjust to the planned ROW on SAP Center site.</li> </ul>
Alternative 1 and 3	<ul style="list-style-type: none"> <li>Development of Parcels A1, B1, C1 &amp; C2 precludes planned ROW &amp; proposed TCE's required to build the planned alignment in the northern approach to Diridon Station.</li> <li>Development of Parcel F5 impacts planned ROW for Diridon Station facilities.</li> <li>Development of Parcel G1, H2, H3 &amp; H4 precludes planned ROW &amp; proposed TCE's required to build the planned alignment in the southern approach to Diridon Station.</li> </ul>
Alternative 2	<ul style="list-style-type: none"> <li>Development of Parcels A1, B1, C1 &amp; C2 precludes planned ROW &amp; proposed TCEs required to build the planned alignment in the northern approach to Diridon Station.</li> <li>Development of Parcel F5 impacts planned ROW for Diridon Station facilities.</li> <li>Development of Parcel G1, H2, H3 &amp; H4 precludes planned ROW &amp; proposed TCE's required to build the planned alignment in the southern approach to Diridon Station.</li> </ul>