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December 8, 2020

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RE: GRPC Comments on the Draft EIR for the Downtown West project (Google)

The Guadalupe River Park Conservancy (GRPC) submits the following comments on the Draft Environmental Impact Report (DEIR) for the Downtown West project in the Diridon Station area of Downtown San Jose, adjacent to the Guadalupe River Park. Our mission is to promote the Guadalupe River Park as a natural resource and civic greenway that connects the community to ecology in the heart of Downtown San Jose.

We appreciate the opportunity to address some details of the DEIR as they relate to parks, both existing and proposed, building orientation, connectivity, and riparian corridor impacts. The Guadalupe River Park is a park chain along the Guadalupe River that includes a multi-use public trail and four parks Downtown, including Arena Green. Arena Green is a 15-acre stand-alone park on both sides of the Guadalupe River that includes public art, picnic tables and benches, tennis courts, and a playground and carousel that have been closed for a few years, but that we hope to reactivate soon.

Inadequate Quality of Figures

Our first comment is related to the quality of the figures and the level of detail provided on the development proposal in the DEIR, which were not adequate to determine the aesthetic components of the project. As the site is located in an area sensitive to impacts to biological resources, the plans should be complete and understandable to the general public and decision makers.

Impacts to the riparian corridor and Guadalupe River Trail are dependent on detailed building information. Photo simulations and/or complete architectural renderings of the final intended building design would be immensely helpful in understanding the aesthetic nature of the project and impacts to parks, especially Arena Green, which is located in the heart of the project area. We ask that the Final SEIR include graphics that can provide an accurate level of detail for the determination of aesthetic impacts and impacts to parks, the trail, and riparian corridors.

While we understand the project team's process of submitting information at the master plan and design guidelines level, without more clarity on what and where specific building architecture or open space features are intended, it is difficult to provide the level of feedback that would be most helpful to the process. Additional clarity of building details and open space features, particularly around how this project would affect riparian corridors and other natural resources, recreation potential, and the surrounding community, should be vital for project approval.

Parkland Dedication and Public Open Space

We agree with the improvements being considered by the project to design a public realm that optimize connections to nearby regional transit services, enhance local walkability, and improve cycling linkages to adjacent neighborhoods and regional trails. However, we also have a number of concerns around the ambiguity of parkland dedication and public access to open spaces proposed in this project.

The proposed amount of public parks acreage is only 4.8 acres when the project's requirement per the City's Parkland Dedication Ordinance and the Quimby Act is for just under 39 acres. It appears from Section 3.12 of the DEIR that this requirement is not being met by the project, but could be met in the future; however, the environmental review for the additional parks is not included in the DEIR. It is our understanding that CEQA requires the whole project be evaluated, including future plans meant to mitigate impacts of the current project.

We are concerned that 15 acres of new parks and open space created will be in the form of hardscape plazas, "mid-block passages", and riparian setbacks. From the submitted plans it appears that project elements such as plazas, mid-block crossing, stormwater zones, riparian setbacks, adjacent spaces supporting commercial activities, and landscaped areas are being counted as parkland. While parks certainly can have many of those elements, these proposed open space uses need to lead with parks as the primary use to be considered parkland.

We also have other questions and concerns regarding the discussion of parks and recreation in the DEIR. For example, is "semi-private open space" and "project sponsor-owned open space" considered to be public? The explanation for how the amount of sponsor-owned open space to be provided can be "adjusted" (Appendix M) is confusing.

Without this information, it is difficult to determine how these requirements will be met, and how the community should expect these mitigation measures to come. If there will be new parks in the future, is land set aside for its future development? Would the project pay the fee instead? What are the provisions for how those fees will be used? Would those fees be used in the project area for new public parks or improvements to existing parks? We contend that if there are no new public parks planned, the fees need to be used within the project area and surrounding open spaces to meaningfully reduce the local impact to a less than significant level.

The discussion of impacts to recreation in Section 3.12 is concerning. The section seems to state that because the project includes 15 acres of "recreational open space", most of which is not for public use, and a one-mile "on-street" bicycle facility, the "the proposed parks and open spaces would absorb a substantial part of the demand for parks and recreational facilities by new residents, employees, and visitors, as well as that of nearby residents and users.". The requirement is actually for approximately 39 acres open space and parks which is not being met by the project. The section also seems to state that there is room for improvement in the Guadalupe Gardens, which could also help meet the need. We agree and would welcome Google's active participation in the development of the 120-acre Guadalupe Gardens Master Plan area.

Whichever direction the project decides to pursue (new parklands or payment of fees), the documents need to reflect that direction and plan for those mitigation measures. We look forward to working with Google to ensure that this required element of the project is adequate and successful.

Park and Trail Design

Again, the level of detail in the document makes it extremely difficult to determine where actual parks will be located or what their specific designs entail. Figure 2.9 of Appendix M only shows "high" and "low" levels of "active use areas". We would need more detail for this important element of the project, which is critical to allow for a determination of whether the project is consistent with the recently released ActivateSJ Strategic Plan, which includes the City's vision for parks in the City as well as guidelines for the design and development of new parks.

We support trail connections along Los Gatos Creek, but we observed that those connections appear to be on-street and cannot be considered to be open space areas. We would like any future planning for trails and trail connections to

focus on trails actually along the River and Creek. Further, we would support an evaluation to determine whether a trail connection could be constructed as part of the re-construction of the vehicle bridge over Los Gatos Creek to allow an on-creek trail.

Riparian Setback and Riverfront Design

We feel strongly that riparian corridor setbacks cannot be counted towards the project's parkland requirement. These very sensitive wildlife and vegetation habitats are protected by the City's Riparian Corridor Policy. While the policy allows reduced setbacks Downtown rather than the City-wide standard of 100 feet, the priority of these areas must be to preserve and maintain the health of the corridor and reduce the potential for impacts to bird and aquatic species due to poor water quality, excessive noise, and human intrusion both in the long-term and during construction.

The GRPC supports the development of the project site; however, it appears from some of the materials in Appendix M, that some of the future buildings along the Guadalupe River and Los Gatos Creek will put their "backs" to the River and Creek. Again, from the plans, it is very difficult to determine if this is the case. In order for a creek trail system to be inviting and activated, workers and residents must have appealing and convenient access to it. Loading docks, trash dumpsters, and other "back-of-house" uses must be located away from the creek and trail due to their noise and intrusion impacts. Building frontages and public and private spaces have an opportunity to embrace both Los Gatos Creek and the Guadalupe River. We recommend the project team seriously consider elements of *Envision San Jose 2040 General Plan* – Goal PR-5 – Grand Parks, and the *Guadalupe River Park & Gardens Urban Design Guidelines* (2003) for development in proximity to the Guadalupe River, particularly between Santa Clara and San Fernando Streets.

We can find no project objective that supports limiting impacts to the riparian corridor habitat, and inclusion of bird safe design features. We highly recommend that such objectives be considered to better allow an accurate comparison of project alternatives. We fully support the use of bird safe design as required by the City of San Jose and the American Bird Conservancy. We support the "stepping back" of buildings from the riparian corridors to reduce these impacts.

Noise Impacts to the Riparian Corridor and Adjacent Parkland

As project construction is anticipated to extend for many years, we need more clear recommendations on how noise impacts will be addressed, particularly as it relates to its impact on riparian wildlife, and for various events hosted in Arena Green. Coordination and a noise mitigation process is needed to ensure that Arena Green remains a flexible and desirable location for events and festivals. Limiting construction noise, particularly in the evening, will not only benefit the nearby residents, but also allow for the local wildlife periods of respite as they migrate to and through the riparian corridor.

Aesthetic treatments of noise barriers should also be considered. To ensure that the walking and biking experience of the trail and connecting sidewalks is inviting during the construction period, we recommend barrier treatments such as artwork, education posters, timed spotlights, and a Guadalupe River Park map to encourage trail use throughout the construction period.

Shadow Impacts

Section 3.9 of the DEIR (Land Use) includes an analysis of how the proposed 180- to 209-foot-tall buildings will shade existing parks and publicly accessible open spaces. The analysis states:

"the maximum effect of the proposed project would increase the area shaded by 3.5 percent of the park area, at 3 p.m. on the winter solstice. At the other times analyzed, the increase in the area of Guadalupe River Park shaded would range from 0 percent to 1.8 percent. Because shadow cast by the proposed project would amount to less than 10 percent of the area of Guadalupe River Park at all times analyzed, the impact would be less than significant."

We are unsure if this determination of “less than 10 percent” is comparing the impact to the entire Guadalupe River Park (over 11.5 million square feet), or only to Arena Green (slightly over 653,000 square feet). McEnery Park is also part of the Guadalupe River Park open space network, yet was considered to be a stand-alone park that was qualitatively evaluated. If the entire river park was considered, the percentage is significantly diluted and the analysis incorrect. Direct impacts to Arena Green, a stand-alone park, must be evaluated for a significant shadow impact. Arena Green requires a complete quantitative analysis of its very own to evaluate significant impacts. As the only major green space in and around the project area, shadow impacts to Arena Green would have a significant impact to how residents, workers, and visitors use the site, and affect its viability as an event space in the future.

Additionally, the cumulative impacts of the project with the previously approved development on the San Jose Water Company property must be evaluated; however, we cannot find this discussion in the DEIR.

Local Transportation Impacts

GRPC is encouraged by the proposed improvements that will allow trail connectivity. We believe that these improvements will make the trail more accessible to local workers and residents and increase bicycle commutes. Again, we are assuming that trail access and thorough travel will not be adversely affected, however, the site plan makes it difficult to determine. The project also includes a new footbridge over Los Gatos Creek, which we welcome as it appears that the bridge will be clear span and any impacts to the riparian corridor will be mitigated. We do want to be sure that the new bridge will allow public travel by both pedestrians and bicyclists.

Mitigation Plan Recommendations

We believe that all planned mitigation for project impacts should be adjacent to or in proximity to the project area. The key to mitigation success in this area is enhancements to water quality and native vegetation and trees, ongoing maintenance of these corridors through invasive and plantings management, and ongoing removal of litter, illegal dumping, and other sources of trash and pollutants. We propose that all mitigation for impacts within the riparian corridor be conducted in the project area along either the Guadalupe River or Los Gatos Creek or both.

We also recommend that planting, design, and ongoing maintenance of the project area integrates the Guadalupe River and Los Gatos Creek, either through complementary plantings, opportunities for people to view/engage with the river, maintenance to remove non-native and invasive species, reduce litter from entering the waterways, and environmental awareness opportunities. These measures will connect workers, residents, and visitors to the importance and interconnectedness of the Guadalupe River and Los Gatos Creek.

Other Priorities

While this letter directly addresses the environmental impacts of this project, we submit other comments based on the DEIR and the Google plans around other GRPC priorities - particularly around **public life, environmental awareness, and social equity for park accessibility**.

Public Life & Environmental Awareness

We believe a key measure of the success of how a development benefits the local community is its ability to promote public life at the intersection of development and the River Park. We recommend that the project development team factor certain elements into the project that foster public life and inspire environmental awareness, particularly to the thousands of new workers and visitors to the development.

- Ensure physical and visual connection from the Downtown and DSAP area to our natural resource. This may be achieved through architectural interventions, planting selection, art, or other treatments to the ground floor experience;
- As the River Park is a public park, and thus, is publicly accessible; we request to ensure that the ground floor of the project area is accessible as well, especially during park hours;

- Where possible, increase the amount of bike parking, bike repair features, and strategically located public seating (particularly when a view of the river is available). The latter ensures that users of all ability-groups and ages have a comfortable experience exploring the Guadalupe River Park;
- Incorporate native plantings and informational signage within the ground floor project boundary to highlight elements of the River Park, Los Gatos Creek, and local ecology;
- Contribute capital and maintenance capacity improvements to Arena Green that supports increased use from new workers and visitors to the development, and enhance the quality of life to the nearby community.

Social Equity for Park Accessibility

The project will create many benefits to nearby neighborhoods and businesses, and these benefits should also be enjoyed by those currently living and working in our community. We also believe that doing so would provide more benefits to the project, particularly for the food and retail establishments, and the park, through increased connection of diverse neighborhoods.

- Signage directing community members to and through the project and to the Guadalupe River Park or Arena Green should be in multiple languages (minimum Spanish, Vietnamese, and English);
- As part of the project's private security portfolio, we recommend contracting with homeless service case managers, and partnering with the City's park rangers to address the complex conflicts that may occur in this area;
- Consider opening up space to host local nonprofits, neighborhood meetings and events, and storage for local events and river/trail clean ups, to facilitate ongoing community capacity building and park stewardship;
- Consider retail and commercial options that serve building tenants, the local community, parks and trail users, and programs that connect the tenants, neighbors, and River Park.

The Google Project will be a key development project acting as a gateway to downtown San Jose and the Guadalupe River Park, potentially connecting thousands of new visitors to our natural asset. We believe there is an opportunity to showcase this potentially landmark project as a leading sustainable development standard, highlighting the integration of buildings and ecology. Aiming high for these standards are of particularly importance as our City embarks on this new wave of commercial and high-rise development.

Regards,



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Executive Director

Cc: Jodi Starbird



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