

City of San José Dept. of Planning, Building, and Code Enforcement  
attn.: Thai-Chau Lee, Environmental Project Manager  
200 E Santa Clara St, 3rd Floor Tower  
San José, CA 95113-1905  
via email (Thai-Chau.Le@sanjoseca.gov), sent Sept. 24, 2021

re: NOP of Draft SEIR on Milligan Parking Lot, file ER20-049  
<https://www.sanjoseca.gov/home/showpublisheddocument/76437/637653190570070000>

Greetings, Project Manager,

I am writing as an individual to express my disappointment in the proposed project and to raise a number of issues that I wish to see addressed in the draft Supplemental Environmental Impact Report (SEIR).

The proposal is to demolish everything on a 2.6-acre site on W. St. John St. by the Guadalupe River, just to build a parking lot. This is a prime location in the heart of San José's "Downtown-West", adjacent the SAP Arena and near the Diridon Station. This area has been the subject of many years of City/Community collaboration, and promises were made to us in the community that the area would become a vibrant, livable, walkable district.

Questions for the SEIR:

- Is the planned parking lot consistent with the plans worked out with the Diridon Station Area Advisory Group (SAAG), and with the City-adopted Diridon Station Area Plan (DSAP) and the Downtown West Design Standards and Guidelines (DWDSG)?
- Does a walled-in surface parking lot make an area more livable, walkable, and/or vibrant?
- Does the City consider a surface parking lot to be "the highest and best use" of this site? Or is this a "temporary place-holding" proposal, and, if so, for what and for how long?
- Is the City legally obligated to provide this parking? If "yes", is this because of some provision or agreement in the DSAP and/or the Downtown-West plan? Are there other means by which the need and/or obligation can be fulfilled (e.g., with shuttle buses to satellite parking lots and/or sharing parking lots with Google and/or other local businesses)?
- What are the impacts to the SAP Arena if the parking lot project is not built or is reduced in size? Can the impacts be mitigated by improved public transportation service, private ride-sharing services, and/or improved trail connections? Would these impacts be evaluated in the Vehicle Miles Traveled (VMT) Analysis?

The City and environmental advocates worked together for years on policies for riparian ("streamside") corridor setbacks, first adopted by the City decades ago as "design guidelines" and then formally adopted in 2016 as city ordinance. Riparian setbacks, even in the Downtown Core, are critical for many reasons:

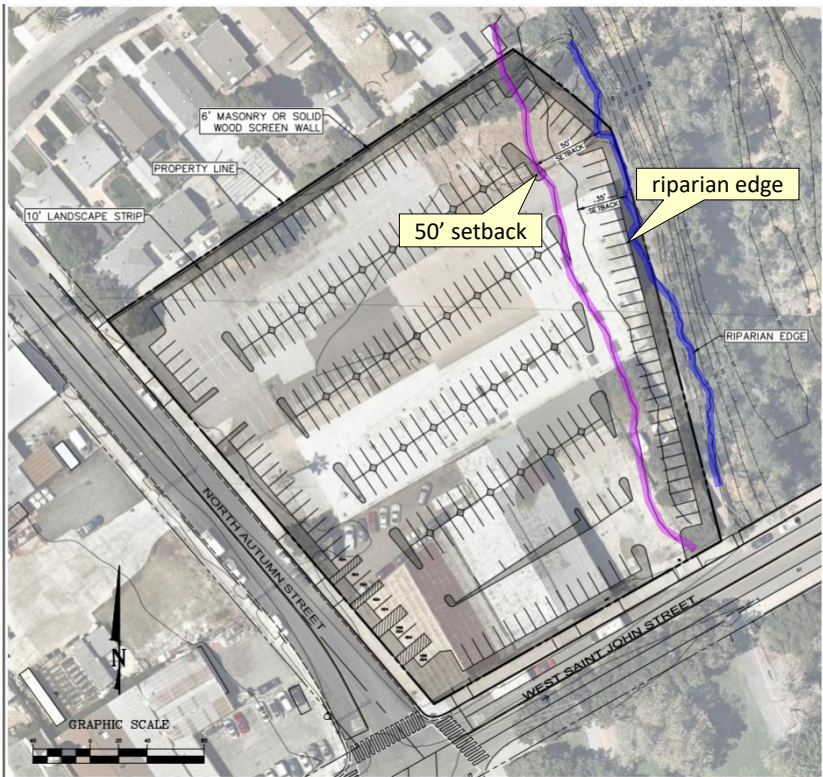
- The setback leaves space for the natural habitat, both flora and fauna, to survive and maybe even flourish – indeed, native salmon swim the stream and beaver have been sighted nearby;
- The setback provides room for the alignment and construction of off-road trails for non-polluting transit (e.g., walking and biking) without adversely impacting the sensitive environment;

- The setback provides space for rainwater and urban run-off to naturally filter prior to entering the adjacent waterway, thereby reducing the need for the City to implement as many costly Green Stormwater Infrastructure projects;
- and the setback leaves room for “the river to be a river” – to meander, erode, and flood without the City needing in the future to construct expensive and intrusive concrete control measures.

However, the project proposed here by the City violates the City’s own ordinances by not even providing the *minimally* required setbacks. Indeed, the plan even calls for a masonry or solid wood wall in places to be built *within* the riparian corridor itself.

Questions for the SEIR:

- If the City grants itself a waiver, how can it deny any future waiver request? “Do as I say, not as I do”?
- What are the impacts of construction so close to the bank? What are the bank stabilization and flood-control issues?
- Will the City be liable for future flood protection or bank stabilization?
- What is the impact on native riparian fauna such as beaver?
- What is the impact on the migrating bird flight corridor?
- How many parking spaces could be provided if the project were designed in compliance with the City’s riparian setback policies? Does the difference between the as-proposed and this number comprise an overwhelming need that justifies the overriding of the City’s riparian policy?
- Would the City have to pay a “mitigation fee” for the impact to the riparian habitat? To whom would the fee be paid? Would the fee be used to improve the nearby habitat, or would it be lost somewhere in the City’s overall finances?



The nearby Diridon Station is planned to become a major transportation hub, served not only by CalTrain, Amtrak, the Capitol Corridor and ACE trains, along with Light Rail and regional and local buses, but also by a future BART and maybe even High Speed Rail (HSR). These transportation modes rely on population density near the stations to make them viable.

Questions for the SEIR:

- What are the impacts to the future BART and potential HSR of having the nearby 2.6 acres used for surface parking rather than for high-density housing, commercial, or passenger-generating attractions? Will these impacts be considered in the Vehicle Miles Traveled (VMT) Analysis?

- Will the City-owned lot be available to serve passengers arriving/leaving the Diridon Station? If “yes”, how would such usage be coordinated on days and times when the lot might be used for Arena activities?

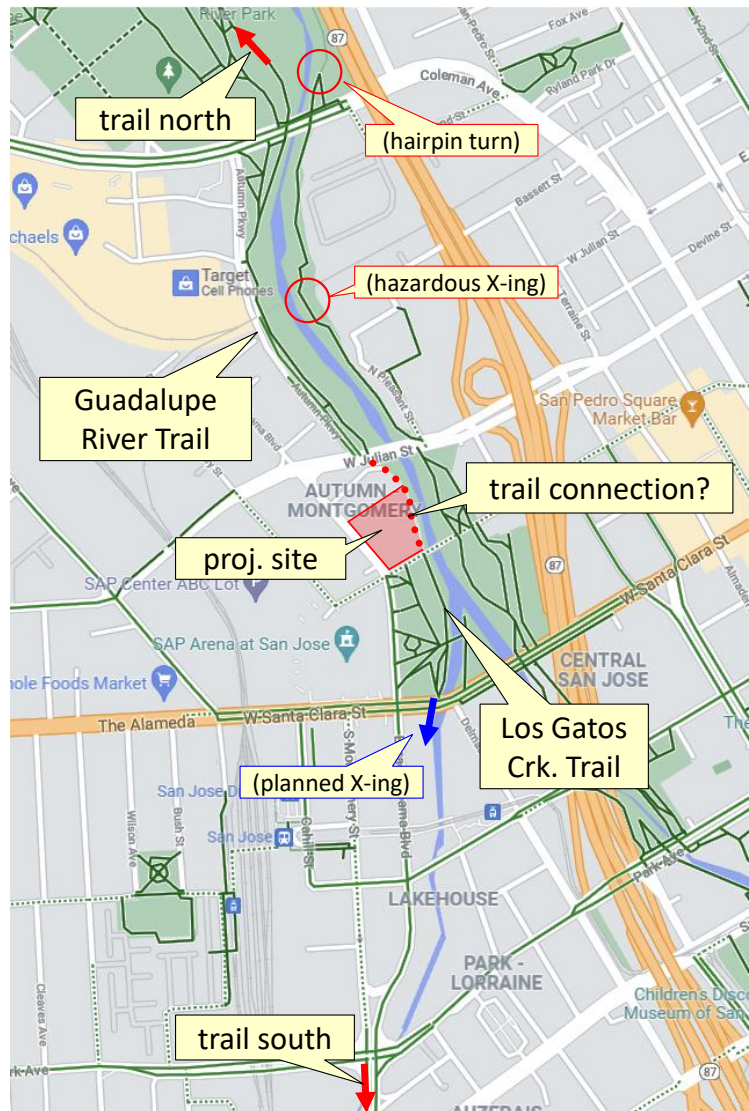
The NOP states that the project site includes a “building [that] is listed in the City’s Historic Resources Inventory as Eligible for National Register ... [and] is considered a historical resource under CEQA. The project would demolish the ... building and construct a new a surface parking lot.” After the Willow Glen Trestle fiasco and the years of litigation, does the City again plan to rush a decision to demolish something that later may be found to indeed be historic?

The NOP goes on to state, “Impacts to the building (historical resources) will be evaluated.” The impacts of demolishing something and then paving it over would seem to be fairly obvious.

San José has a world-class trail network. The project site is the ideal location for the connection of the Los Gatos Creek Trail and the Guadalupe River Trail, as shown to the right by the dotted red line. The City, I believe, had once planned for the trail connection to be made by on-street bike lanes, but that was to have been along the no-longer-planned Autumn Parkway extension.

Some years ago, we on the County’s Los Gatos Creek Streamside Park Committee found that it was best to capitalize on opportunities when presented by development projects. By making the City’s plans compliant with the City’s own riparian corridor setback policies, there would be adequate space for the off-road trail connection while still protecting and enhancing the natural environment.

Note that the trail on the left-bank (west side) of the Guadalupe is the through route to the north, and the trail to the south of the project aligns with a planned overcrossing that is part of the DSAP.

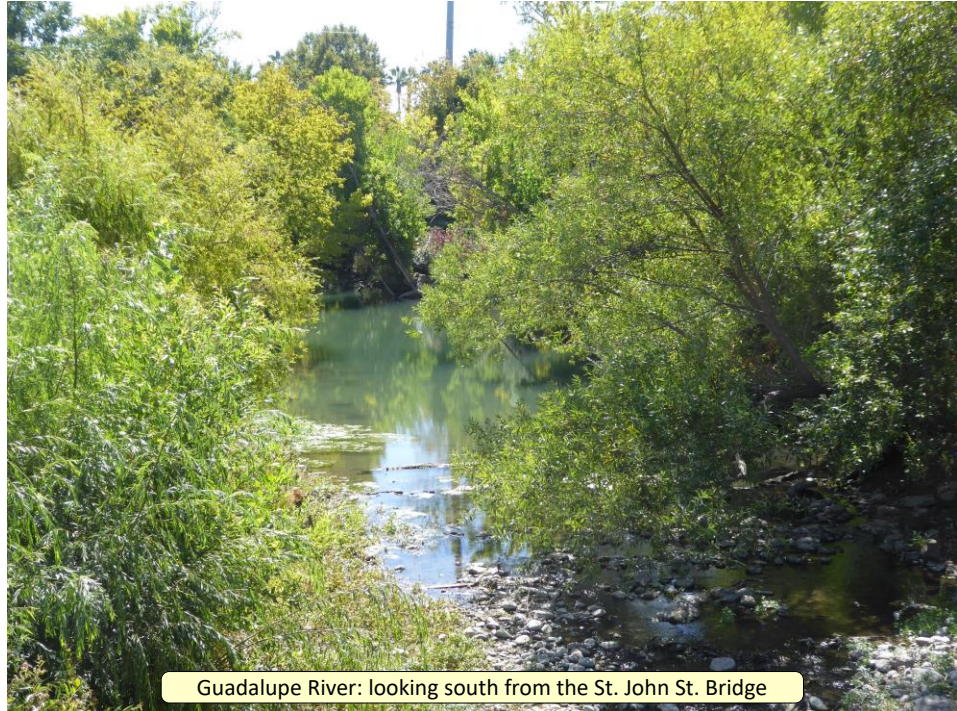


Questions for the SEIR:

- What would be the impact to the Vehicle Miles Traveled (VMT) by enabling a safe connection of two regional trails?

- What would be the health benefits to the community by providing this as a resource for safe and inviting outdoor exercise and recreation?
- What would be the financial benefit to the City by further burnishing its reputation with visitors as a world-class recreational destination?

One final point: The Guadalupe River, simply stated, is pretty. This photo of the River was taken last week from just across the street from the project site. Looking at a map or aerial view of the area, one can see that the Guadalupe River has a significantly wide natural habitat over much of its length, excepting right at this project site. Back in the last century, there were times when people did not appreciate the importance of nature in their midst, and they sometimes built too close to the sensitive habitat. But just because a mistake was made in the past doesn't mean it has to be locked into place now and perpetrated into the future.



In summary,  
it seems to me to be a waste to propose a surface parking lot for such an ideally located parcel, and a real travesty to plan to pave up to, and even into, the river's sensitive habitat, just for a few extra parking spaces.  
San José deserves so much better!

I look forward to reading the replies in the SEIR.

~Larry Ames

Dr. Lawrence Ames – longtime creek-, trail-, environmental-, and community advocate.

cc: City of San José: Mayor; Dir.of Plan; Off.of Econ. Dev'lpmt; DoT; PRNS; Hist. Landmarks Cmsn; Diridon SAAG; Diridon Area N'hd Group; SJ Park Advocates; SJ Riparian Advocates; GRPC Green Foothills; Sierra Club; Audubon Soc.; Si.Val.Bike Coal.; Shute, Mihaly & Weinberger; Valley Water; Save Our Trails