



SIERRA CLUB

LOMA PRIETA

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

June 2, 2020

**San Jose Mayor and City Council
via email**

Re: 6/9/20 Council Item 5.1, Actions Related to the **Charcot Avenue Extension** (impacting Orchard School Students)

Dear City of San Jose Mayor Liccardo and City Council Members,

The mission of Sierra Club and our Loma Prieta Chapter's 40,000 members and supporters includes a wide range of environmental concerns in order to protect natural resources through efficient planning. And, **we advocate for environmental justice**. We wish to protect the **health and safety of our most vulnerable, children**, and those in underserved communities, often people of color, including the students of Orchard School K-8 and residents who would be most impacted by the Charcot Project.

We are also troubled by **the impact of the project on climate** and the City's global leadership in addressing it. The approach that our local leadership takes toward this project while addressing the needs of our community and infrastructure upgrades will be a litmus test of **our willingness to meet the 21st century climate and equity challenges before us**.

Please support the no project alternative D or bicycle and pedestrian only alternative E. The savings of tens of millions of dollar by these alternative can be allocated to other Measure B priorities that are more effective in reducing traffic congestion in a people centered, climate friendly way. Please consider new paradigms to reduce traffic congestion including improving the electronic infrastructure that would help close the student achievement gap and continue the non-commute work opportunities that COVID-19 shelter-in-place orders have enlightened us about.

Children should not be forced to risk injury or death crossing a chaotic 4 lane intersection nor should they be forced to damage their lungs breathing the increased air pollution that this project would bring in order to improve mobility of technology workers living in outlying areas.

Technical and legal arguments have been and can continue to be debated but understand, the **Bay Area Air Quality Management District (BAAQMD), Valley Transportation Authority (VTA), and Orchard School District share concerns expressed by environmental and neighborhood activists**. BAAQMD understands that the planners have used "regional" air quality projections to avoid analysis of the impact on "sensitive receptors", Orchard students. VTA understands the dangers of young children crossing a busy roadway. Parents have expressed their common sense understanding of the situation regardless of CEQA requirements.

The problem with this project lies with several of the project objectives as listed in the DEIR and especially their juxtaposition to the school.

The DEIR states, "*The objectives for the proposed project are as follows:*

[PO1]▣ *Improve connectivity between the east side of I-880 and the west side of I-880; [implied as **for automobiles** as described elsewhere in the document]*

[PO2]► *Increase the capacity for east/west travel across the I-880 corridor; [implied as **for automobiles** as described elsewhere in the document]*

[PO3]► *Provide a safe bicycle/pedestrian facility over I-880, in compliance with San José's Complete Streets Policy;*

[PO4]▣ *Implement a programmed roadway network improvement project identified in the Envision San José 2040 General Plan; and*

[PO5]▣ *Implement a planned major roadway improvement project, as set forth in the North San José Area Development Policy and the North San José Deficiency Plan."*

In regards to PO1 and PO2, we suggest the **project goal *should be* to provide for circulation of people and their business needs not necessarily automobiles.**

Only a block away from the project to the south is east/west connectivity via E. Brokaw Rd., a major arterial. East/west capacity is also available to automobile traffic just a few blocks to the north at Montague Expressway. With those two major arterials, there are already 12 high rate of speed east/west lanes plus separate turn lanes in the span of just 1.35 miles.

The DEIR implies that the project will not increase automobile usage -- because it does not evaluate its long term effects. This was the assumption when the Montague and Brokaw were widened previously. After only a dozen years automobile usage rose to the point that we are now asked to sacrifice the health and safety of our children to allow more automobiles on the roadways. This exemplifies the need to provide better bus, transit, and non-commute options, not more lanes jammed through school grounds.

Our City and State has a century of experience of attempts to alleviate congested roadways by adding capacity only leading to more automobiles and congestion. Alternative modes of circulation are needed rather than degrading the living standards and quality of life of children and all of us.

California legislators realize we need to avoid adding additional automobile capacity for many reasons including the need to mitigate climate change. So CEQA rules now directs the use Vehicle Miles Traveled (VMT) analysis. Screening away from this analysis was only done for this project because of the bikeway since it "*substantially improves conditions for pedestrians, cyclists, and/or transit, including but not limited to:*

o Protected and separated Class IV bikeway

o Pedestrian refuges, bulb-outs, and elements that shorten pedestrian crossing distances

o Consistency with the San José Complete Streets Design Standards and Guidelines and/or other applicable design guidelines;".

Yet, the Alternative E providing for bicycles and pedestrians was deemed infeasible for not meeting the automobile objectives, a failed and outdated automobile centric false dilemma.

Objectives PO4 and PO5 do reflect the expectations of planners and it is understandable why they have come about. But built into the General Plan itself is an ongoing revision process including a 4 year review cycle, one of which is beginning now. We believe it is time to reevaluate the *North San José Area Development Policy and the North San José Deficiency Plan* with new perspectives especially in regard to circulation.

Reflecting our current knowledge and with dictate from State law, we now have the **VMT rules**, a **Climate Smart Plan** including "***Developing integrated, accessible public and active transport infrastructure reduces the dependency on the car to move within the City***", and a **resolution of "Climate Emergency"**, acknowledging our need to rapidly change our dependency on GHG producing activities.

The Measure B resources to be expended on this project should be shifted to other projects or toward, "**7.4.2 Alternative E: New Overcrossing for Bicycles and Pedestrians Only**."

Alternative E would consist of constructing a new bicycle/pedestrian overcrossing of I-880/O'Toole Avenue on the same alignment as that proposed for the Charcot Avenue Extension. The overcrossing would connect to the existing bike lanes and sidewalks along Charcot Avenue west of O'Toole Avenue. On the east side of I-880, the overcrossing would connect to Silk Wood Lane."

The benefits of this alternative over the project are tremendous for the health and safety of the children of the neighborhood and entire community. "*Since this alternative would not include any travel lanes for motor vehicles, its cross-section/footprint would be much smaller than that of the proposed project. On the west side of I-880, this alternative would not require the elevation of Charcot Avenue between Paragon Drive and O'Toole Avenue and access to properties along this segment of Charcot Avenue would be maintained. Unlike the proposed project, this alternative would also not require the removal of most of the trees that line both sides of Charcot Avenue between Paragon Drive and O'Toole Avenue. On the east side of I-880, the footprint of Alternative E would fit within the right-of-way reserved by Super Micro for the Charcot Avenue Extension and within the existing Silk Wood Lane right-of-way. No right-of-way from Orchard School would be required and there would be no direct impacts to the school's playground and playing field. The noise and air quality impacts of the project to the residences located on the north side of Silk Wood Lane and the school located on the south side of Silk Wood Lane would not occur under this alternative since there would be no increase in traffic. Finally, tree removal along Silk Wood Lane would be minimal, if any.*"

Are we serious about learning lessons from COVID-19 to remake our economy in a more sustainably and equitable way? Do we really believe black lives matter and work to protect the health of our children including those of color? Please redirect the efforts of staff to wiser uses of Measure B funds.

Sincerely,



David W. Poeschel, Sierra Club Loma Prieta Chapter Open Space Committee Chair

Katja Irvin, Gladwyn d'Sousa, Sierra Club Loma Prieta Conservation Committee Co-chairs