

**From:** gmail < >

**Sent:** Monday, March 4, 2019 10:32 AM

**To:** City Clerk

**Subject:** March 12th Council Agenda: Site Selection for “The Light Tower” iconic structure gift.

Dear Mayor and Councilmembers,

Please consider an alternative site for San Jose’s iconic structure. Protecting our riparian corridors will be a far greater gift to our city’s residents and visitors.

Thank you,

Pam Capurso

**From:** John Cremin < >

**Sent:** Monday, March 4, 2019 8:36 AM

**To:** City Clerk

**Subject:** San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

John Cremin,

Sunnyvale

**From:** Anita Moreci <>

**Sent:** Saturday, March 2, 2019 12:10 PM

**To:** City Clerk

**Subject:** City council Fed 12 meeting; San Jose Light Tower Project

Dear Mayor and City Council,

I **oppose** taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project.

The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Anita Moreci  
Sunnyvale, CA

**From:** Peter Gaudette <>

**Sent:** Saturday, March 2, 2019 8:05 AM

**To:** City Clerk

**Subject:** Arena Green Park Space

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Peter Gaudette

Sunnyvale, CA

**From:** Eric Set <>

**Sent:** Saturday, March 2, 2019 8:11 AM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Eric Set, Redwood City

**From:** dmtms@aol.com < >  
**Sent:** Saturday, March 2, 2019 8:33 AM  
**To:** City Clerk  
**Subject:** Arena Green

“Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Donna Rose,  
Morgan Hill, CA

**From:** David John Boyer < >

**Sent:** Saturday, March 2, 2019 8:34 AM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

David J. Boyer

Palo Alto, CA

**From:** Sara Snyder < >

**Sent:** Saturday, March 2, 2019 8:38 AM

**To:** City Clerk

**Subject:** February 21, 2019, City Council Meeting

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city and the entire peninsula more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Sara Snyder

Pacifica, CA

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**From:** Giada Gattoni Gricourt <  
**Sent:** Saturday, March 2, 2019 8:53 AM  
**To:** City Clerk  
**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Giada Gattoni, Mountain View

**From:** audrey q <>

**Sent:** Saturday, March 2, 2019 8:57 AM

**To:** City Clerk

**Subject:** San Jose Light Tower project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Audrey Quintero

Redwood City

**From:** Oscar Mace < >

**Sent:** Saturday, March 2, 2019 9:08 AM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

City Council Members:

Please, with your holistic environmental conscious vote, don't allow the San Jose Light Tower Project to destroy the vital ecosystem habitat of the Arena Green. Many unique ecosystems characterize the Bay Area Bioregion where conservation efforts must be at the forefront of any political decisions regarding habitat loss of riparian ecosystems.

Simply look around at neighboring cities whose fragmentation of riparian ecosystems, and it is obvious that human development has been the major cause of the loss of biological diversity. It is time for all to take a moral stance to conserve and preserve our unique Bay Area Bioregion in a holistic approach regarding ecosystem integrity.

Regards,

Oscar Mace

California Naturalist, Environmental Scientist, Gaia Ecologist

**From:** David Marancik <>

**Sent:** Saturday, March 2, 2019 9:22 AM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

I oppose this project because of the lack of transparency on what is being built and specifically this location. The San Jose Light Tower Corporation's own environmental consultant said that Arena Green is the most environmentally sensitive area of all that they considered!

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

-DM

**From:** Kathy Runyan < >

**Sent:** Saturday, March 2, 2019 9:24 AM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

Please DO NOT to build on Arena Green's Park. There are not many parks in downtown San Jose and we need the open space.

If people want to see the SJ Light Tower, they can visit Kelly Park - History Park.

Money would be better spent:

1. control the water level of the Guadalupe River, that flows through downtown, so that it is a minimum level throughout the year.

Note: San Antonio, TX made the stream flowing through their city into a beautiful, 15 mile, River Walk. We need a River Beautification Project for downtown SJ.

During most of the year, the Guadalupe River is a small stream, running through downtown SJ, with homeless people living under the bridges.

or

2. purchasing more open space while land is still reasonably priced.

Respectfully,

Kathy Runyan  
San Jose, CA

**From:** Stacey King < >  
**Sent:** Saturday, March 2, 2019 10:21 AM  
**To:** City Clerk  
**Subject:** SJ light tower project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully

Stacey King

**From:** Kira Od <>

**Sent:** Saturday, March 2, 2019 10:37 AM

**To:** City Clerk

**Subject:** Light Tower

Dear Mayor and City Council,

Please do NOT put the San Jose Light Tower project in Arena Green. It is far too environmentally sensitive. The funds could be better used to purchase more park land.

As a professional sculptor, I feel this is an inappropriate place for a massive art project – especially one that would harass wildlife with artificial light.

There are other, better places for such an endeavor. Sometimes the right thing to do is just say “no.”

Sincerely,

--Kira Od

**KIRA OD, Artist**

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**From:** annie belt <>

**Sent:** Saturday, March 2, 2019 10:41 AM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council:

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Annie Belt

**From:** Charlotte Bear < >  
**Sent:** Saturday, March 2, 2019 10:55 AM  
**To:** City Clerk  
**Subject:** Opposition to San Jose Light Tower Project!

I am writing to express my strong opposition to the San Jose Light Tower project on Arena Green... this city park Arena green is one of the most environmentally sensitive in our area, and there has been alarmingly little public comment allowed on this proposal. Instead of spending that horrendous amount of money to take parkland from citizens, why not use that money to create more parkland space desperately needed in Coyote Valley. That would help protect our water supply, which is far more meaningful to the citizens of this city in this climate crisis. We need city council leaders right now who are going to prioritize projects that support the life support systems of our community, especially our environment.

Respectfully,

Rev. Charlotte Bear  
San Jose resident

**From:** are hamilton <>

**Sent:** Saturday, March 2, 2019 11:03 AM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. There are better ways to make San Jose a 'landmark' city!

Respectfully,

Robert Hamilton; San Jose, CA. (SJ Council District 5)

**From:** sharon gong < >

**Sent:** Saturday, March 2, 2019 11:18 AM

**To:** City Clerk

**Subject:** San Jose Light Tower project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Sharon Gong

San Carlos, CA

**From:** Kenza Fornesi < >

**Sent:** Saturday, March 2, 2019 11:37 AM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Kenza Alaoui-Fornesi

Sent from my iPhone

**From:** Bill Bruns <>

**Sent:** Saturday, March 2, 2019 12:23 PM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project, especially since there has been so little opportunity for the citizens to learn about and comment on the project. I heard about this from the Sierra Club.

Respectfully,  
Bill Bruns  
San Jose 95129

**From:** Christine Elgin < >  
**Sent:** Saturday, March 2, 2019 1:04 PM  
**To:** City Clerk  
**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. "An artistic and iconic landmark that builds civic pride within San Jose" would be far better placed at a different location, such as the San Jose International Airport or at the future transit center that will be the largest rail hub outside of New York City, or elsewhere. The very idea of an "iconic landmark" is rather distressing, as often these are built and then despised by many residents and visitors. The money this will all involve would benefit the city more being used to purchase land for parks, especially in Coyote Valley to help protect our water supply. Thank you.

Respectfully,

Christine Elgin

San Carlos CA

Sierra Club Member

**From:** Marian Fricano <  
**Sent:** Saturday, March 2, 2019 2:17 PM  
**To:** City Clerk  
**Subject:** Arena Green

Dear City Council Members,

I strongly request that you reconsider your plan to have The Light Tower Corporation re-do the Arena Green area.

We desperately need to retain all the green spaces left of this once verdant, green valley for the sake of our own nature loving, elemental human desires. Humans need "wild" unaltered spaces to refresh their souls.

Please do not develop this area!

Sincerely,  
Marian Fricano

**From:** Carol Ruth < >

**Sent:** Saturday, March 2, 2019 2:35 PM

**To:** City Clerk

**Subject:** Arena Green Park land

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

**Carol Ruth**

**From:** Claudia Ulloa < >

**Sent:** Saturday, March 2, 2019 1:04 PM

**To:** City Clerk

**Subject:** Parks

Plz don't destroy more parks their plenty of old places can be renew

Sent from my iPhone

**From:** Jessica Koran < >

**Sent:** Saturday, March 2, 2019 4:22 PM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Jessica Koran, Menlo Park, CA

**From:** mwalstra@comcast.net < >

**Sent:** Saturday, March 2, 2019 4:34 PM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Maureen Walstra  
San Jose, CA

**From:** E Peterson <>

**Sent:** Saturday, March 2, 2019 5:03 PM

**To:** City Clerk

**Subject:** Arena Green and Light Tower

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Elaine Peterson

**From:** Jesus Barbosa < >

**Sent:** Saturday, March 2, 2019 7:08 PM

**To:** City Clerk

**Subject:** sj light tower

Dear Mayor and City Council,

I often walk with my grandchildren in Arena Green. It is one of the few natural areas in a city that has become very urban. I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Linda Barbosa

Morgan Hill, CA

**From:** Sharad Bagri < >

**Sent:** Saturday, March 2, 2019 8:28 PM

**To:** City Clerk

**Subject:** Arena green's park land related

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully

Sharad Bagri, Santa Clara, CA

**From:** Laura Sternberg < >

**Sent:** Saturday, March 2, 2019 10:02 PM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor Liccardo and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city much more by purchasing land for parks. I heard about this from the Sierra Club.

Sincerely yours,

Laura Sternberg

SJ 95120

**From:** Kate Elsley

**Sent:** Sunday, March 3, 2019 7:37 AM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club. Too much light could disrupt wildlife in the Arena Green area. Please reconsider and move the light project to the transit hub area.

Respectfully,

Kate Elsley

San Carlos, CA

Sent from my iPhone

**From:** Maggie McIntyre Sahagun < >  
**Sent:** Sunday, March 3, 2019 8:20 AM  
**To:** City Clerk  
**Subject:** 2/12/19 meeting San Jose Light Tower Project

Re: City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Maggie A. Sahagun

**From:** Claire Ackland < >  
**Sent:** Sunday, March 3, 2019 9:33 AM  
**To:** City Clerk  
**Subject:** San Jose City Council light tower project

Dear Mayor and City Council,

I'm writing to ask you to listen to environmental advocates and to not allow a light tower project to be built in a rare green space of downtown along a riparian corridor. This decision would greatly negatively impact wildlife. I also ask you to be more transparent in your public art processes and to open up the process to more citizen input. It is said the purpose of this project is to increase Civic pride of the city. I think if this is really your goal you would listen to citizens. My input is that it only hurts my image of the city I live in that the leaders I helped elect are disregarding citizen input for a vanity project that makes them alone proud and putting a light pollution project in the worst area possible in downtown for urban wildlife. Additionally, it is disappointing and frustrating that the city chooses to put money into and raise money through the light tower corporation for "public" art that the public doesn't really want while the city is suffering with very pressing concerns of inequality, lack of affordable housing, homelessness, and safety.

I would be proud of a city that respected the environment with actually policy and decisions not just superficially. The money being used by the city and raised/donated could have been in an effort to preserve Coyote Valley, address the mass amounts of homeless people suffering at almost every freeway on-ramp, address gang and safety concerns, recruit police while investing in better oversight/accountability of police including diversity, equity, and inclusion priorities, invest in more transitional and affordable housing, or efforts to improve air quality. These are pressing concerns of people living here that make this a place of low quality of life with extreme rent and housing costs. Issues like this cannot be distracted from with a vanity project that is harmful to the environment to boot. If you really want to increase citizen pride, listen to citizens, make these processes more transparent, and invest effort and resources into important quality of life issues.

Respectfully,  
Claire Ackland (South San Jose resident)

**From:** Laura Robichek < >

**Sent:** Sunday, March 3, 2019 10:10 AM

**To:** City Clerk

**Subject:** City Council Feb 12 meeting, San Jose Light Tower Project

Dear Mayor and City Council,

This is to express our opposition to taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower project. The money would benefit the city more by purchasing land for parks. I heard about this from the Sierra Club.

Respectfully,

Laura and Mark Robichek

**From:** reisra@aol.com < >

**Sent:** Sunday, March 3, 2019 10:56 AM

**To:** City Clerk

**Subject:** San Jose Light Tower Project

Dear Mayor and City Council,

I oppose taking Arena Green's park land in an environmentally sensitive area for the San Jose Light Tower Project. The money would benefit the city more by purchasing land for parks. This "public" art display begs for transparency and input. Both of these things seem to be lacking. One Hundred Million Dollars!!!!. Please , NO !!!!! I heard about this from the Sierra Club. I also attended one of the Park and Rec. meetings at the Willow Glen Senior Center regarding this subject. I was expecting more public meeting to follow but they have not.

Respectfully,

Linda Reis  
San Jose CA 95125

March 5, 2019

Mayor Liccardo and Members of the City Council

**Subject: Opposition to Endorsing the Plan for a Light Tower Monument (March 12 agenda item 5.2)**

Please do not endorse the plan of the San Jose Light Tower Corporation for what they call a “world-class iconic landmark” on the Arena Green.

Even if you are not persuaded by the arguments to

- preserve our park land,
- protect the environment around the sensitive Confluence Point,
- safeguard access to the trail system,
- defend the water supply,
- avoid saddling the city with unknown maintenance costs for an unspecified structure,
- and prevent interference with flight patterns to the airport;

and even if you think it is in the City’s interest to accept this yet-to-be-determined gift, at least please do not give the Light Tower Corporation *carte blanche* to unilaterally choose the nature of this gift.

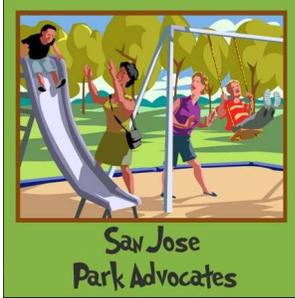
Doesn’t anyone remember the last time the City wanted an “iconic” landmark, and accepted a design from a world-class artist without chance of review and rejection? Let me remind you of the outcome:



Let’s learn from this monumental mistake. Let’s not have an “Iconic” Quetzalcoatl Light Tower foisted on us by any Committee, no matter how international or prestigious. Please retain for the City to right to review and if necessary to reject any proffered gift.

Sincerely,

Martin Delson  
San Jose, CA 95125



## ***San Jose Parks Advocates***

DRAFT

February 28, 2019

RE: Item 3.3 March 12, Light Tower

Project

Honorable Mayor Liccardo and City Councilmembers:

San Jose Parks Advocates opposes the use Arena Green Park for the Light Tower Corporation's proposed art project. We believe that

- The site analysis report contains fatal flaws
- The Arena Green Park site is too environmentally sensitive
- The proposed use is not compatible with existing policies, plans, and studies of Arena Green Park and this planning area,
- It will negatively impact the fundraising plan of a previously approved major city park redevelopment project, St. James and the Levitt Pavilion
- The proposal is based on a flawed assumption that the Light Tower Corporation's open, uncompensated art contest will lead to great art.
- A "free gift" should not take park land from a park deficient area nor require the use of City Park Trust funds to produce the site analysis, provide uncompensated Senior Management time, nor should completion of the project require future park trust fund/development fees or Google Community benefit funds.

**We ask that the Council reject the site analysis and ask the proponents to fully fund their gift by compensating the city for all expenses and by buying a site rather than taking parkland from a park deficient area.**

San Jose Parks Advocates is an all-volunteer organization of neighborhood leaders and community members concerned about San Jose parks. Our **mission** is to bring parks into the public political consciousness, to make parks an issue in all discussions of civic priorities, neighborhood services, and community interactions with the City of San Jose. We **envision** a City where quality parks and trails for all of its residents is universally supported as a core City service. Civic leaders will develop, enhance, and maintain these spaces as a source of civic pride and essential to the health and quality of life of the residents, workers, and visitors.

## **Flawed Site Analysis—paid with City Park Trust Funds**

The site analysis was incomplete and erroneous. Some attributes were not fully defined; some were misleading and made assumptions. A notable absence was what would be lost by park users and riparian fauna if the site were changed to a built environment. There was no discussion of the lost amenities and whether they would be relocated or replaced.

1. The analysis does not include full complement of city sites were not included. Why were only parks and future parks evaluated? Why not City Hall? The promontory point where the Fallon statue now sits? Bassett Park? North San Pedro Park? Or perhaps a gateway location, like Coyote Meadows. *More importantly, for a project this size, why aren't the proponents buying their own land?*
2. The environment score was defined as the impact on the proposed art project with NO discussion of impacts of the new project on the environment. This is contrary to the usual meaning of environmental impacts as used in CEQA documents. It serves to hide the impacts and betrays a lack of a real process. It is not defensible in the absence of a true CEQA-like measure.
3. The riparian setback was incorrectly stated. The project cannot extend to the edge of the walking path, a built environment must be setback a minimum of 100 ft. Further, the city's adopted riparian policy would require a 200 feet where there is active recreation, lighted areas, or mechanical equipment. The site analysis did not discuss the mention this larger setback—*even though the proponents mention dreams of a decoratively lighted structure.*
4. The impact of the use of large scale utilities on the park, adjacent users, or sensitive environmental receivers was not studied even though the site analysis included points based on the availability of large scale electrical utilities for this piece of art.
5. The massing score for Arena Green Park is too high. The computation was based on an incorrect riparian setback and considered the land on top of the flood bypass channel as available for construction when it is not.
6. The matrix included an undefined score for “incentives and cost offsets.” The proponents have offered a “free” gift to the City. There should not be an expectation to use Park Trust Fund fees collected from the nearby residential development or Google Community Benefits to pay for their “free” gift to the City. These monies are already tagged to acquire parkland, perform major infrastructure repairs on downtown parks, and provide a plethora of community benefits discussed by the Diridon Station Area Advisory Group (SAAG). This giant art project was not one of those benefits.
7. The transportation score is invalid. By way of example, Discovery Park scores in the lowest group with service from two LRT lines and multiple bus lines (routes 23, 81) while Park Avenue had more than double the transportation score and no public transit service.

8. The narrative claims that Arena Green Park has the most available acreage of the sites without regard to configuration and buildable square footage. The site is bifurcated and has serious restrictions due to the underground flood control bypass channel of the Guadalupe River. The report understates the riparian setback in two ways—the minimum 100-foot setback and the 200-foot setback where there is active recreation, lighted areas, or mechanical equipment. In addition, the report does not mention the reduction in size from the future Autumn Street re-alignment nor does it include the many easements that further reduce the park’s availability for development of a built environment. Also, the possibility of a tunnel portal consuming part of Arena Green Park was never mentioned—even though the Mayor has had multiple conversations with the Boring Company over the past year.

9. Mitigation is not mentioned. The construction of a large built environment will require mitigation. There is no discussion of onsite mitigation. Many trees of Arena Green Park West would be lost and Arena Green Park East cannot accept the replacements due to flood bypass channel rules. Amenities would be displaced. The costs and relocation considerations were not evaluated.

10. Existing policies, plans, studies and master park plans were not assessed. No consideration was made as to whether this large project conformed to or was compatible with existing plans. For example, the Diridon Station Area Plan calls for art work in the northern portion to focus on environmental themes. The Arena Green Park’s role in serving 25,000 future residents was not considered.

11. There was no discussion of the coffee shop/restaurant use and its compatibility and likelihood of success at the location. The proponents talk about building some sort of food service to generate funds for maintenance. We think it is folly at Arena Green Park but might be possible at some other sites. Most restaurants fail in the first year.

12. The importance of sight lines was underestimated. The proponents have shared that it is critically important that their large public art structure be in a location where it could be photographed easily. They felt it was critical for attracting visitors. However, the site selected, Arena Green Park will have poor sight lines. Towers are planned north and south. Riparian trees will block the view from the east.

13. Pending Construction was not considered. The Arena Green Park area is poised to be a hotbed of construction with the BART construction staging area directly to the south followed by two towers. The art project is proposed to be completed just in time to be surrounded by construction impacts. That’s not the best strategy to attract visitors to a new facility. The possibility of a people mover tunnel portal within Arena Green Park was ignored even though senior staff knew about it.

14. The Parking analysis is flawed and based on currently available lots that are scheduled to disappear in the near-term. The reduction in parking is so significant, as analyzed in the BART EIR, that the Sharks Organization is suing.

15. Social considerations. The impact of local homeless persons in the short-term and long-term was not analyzed. Tourists and visitors tend to avoid places with large numbers of unhoused persons. For example, the impact of unhoused users was highlighted in the Arena Green Park 2015 study and their presence was cited as a barrier to use for those surveyed. Quantifying these impacts is important.

16. Analysis of Current Arena Green Park Use was incomplete. The report emphasized park permit numbers only. Residents' use of the park and the status of amenities was not considered nor valued in the analysis.

### **Environmentally Sensitive**

Arena Green Park is the most environmentally sensitive of all the sites. Incredibly, the site report does not address the impact of the project on the environment. The site report considers the impact of the environment on the art project. This is unbelievable for a project spearheaded by experienced construction professionals.

This site is one of the few stretches of intact riparian corridor through downtown. When the US Army Corps designed its flood control project, riparian advocates made certain that this area was left intact and deep pools remained so that migrating fish could be successful. The canopy of trees was protected so that temperatures would remain cool in that part of the creek and river system. Arena Green Park West was specifically planted heavily with trees to support birds within the riparian corridor. Community members actively negotiated with the US Army Corps to create the park as mitigation and compensation for the loss of riverine habitat and homes along River Street. A built environment would lower the quality of habitat that was specifically designed to support the riparian habitat. Such development may be in violation of the flood control project EIS mitigation agreements.

The Guadalupe River and Los Gatos Creek Confluence area is a critically important flyway for birds. It is the only area where there is little risk of crashing into tall structures. Lights can cause birds to become disoriented. They will circle in light beams.<sup>1</sup> They can be blinded temporarily and forced to land if the light contains the wrong spectrum. Importantly, Arena Green Park's current status as a park with closing shortly after sunset and minimal lighting is perfectly designed for the city's riparian and migrating birds. Other cities have implemented darkening of their skylines for this reason.<sup>2</sup> A tall lighted structure, as is in the minds of the proponent, would be deadly for the birds.

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<sup>1</sup> Tribute in Light 9/11 Memorial Turned Off Repeatedly As Birds Get Stuck In Soaring Beams  
Birds spend hours flying in circles or crash into windows. Songbirds, seabirds, all kinds.  
<https://newyork.cbslocal.com/2015/09/11/tribute-in-light-birds/>

<sup>2</sup> "Many North American cities—including Houston, Boston, and Atlanta—have adapted "lights out" practices, promoting the darkening of their skylines to protect the biology and ecology of local insects and animals."  
<https://www.allaboutbirds.org/9-11-tribute-in-light-birds-night-migration/>

Migrating fish are also affected by night lighting. City policy 6-34 calls for a 200-foot riparian setback for active recreation, lighting, or mechanical noise generating sources.<sup>3</sup> We also note, that there is a trend across the world to reduce night lighting to create darker skies and healthier habitats for all creatures, including humans. It is important that the park area next a riparian habitat stay dark at night.

## **Plans and Policies**

### **General Plan Envision 2040**

The Envision 2030 General Plan emphasizes San Jose’s unique character “Living Amid Abundant Natural Resources,” strong riparian policies, goals for parkland serving residents, both acreage and distance (PR 1.1 and PR 2.6). The Diridon Station Area/Delmas Park is park deficient. Removing park land for a large built environment violates these goals for both current residents and the anticipated 25,000 more residents expected from the Diridon Station Area growth.

### **Relevant General Plan Policies**

(PR4.6) Public Art should reflect the surrounding community, local history or the ecology. *The Light Tower Corp has not stated their artwork will conform to this goal.*

(PR5.3). Adhere to Guadalupe River Park Urban Design Guidelines. *A large built structure does not.*

(PR 6.7). In design and construction, preserve, enhance, restore existing ecosystems/wildlife habitat *A large built structure does not enhance the riparian habitat.*

(PR1.14). Survey park users and surrounding communities to implement improvements. The Light Tower Corp did one public outreach meeting. *Community members expressed significant concerns.. The City studied Arena Green Park in 2015 and community members were interested in keeping the trees.*

We wish the Light Tower Corporation would conform to (PR8.2) “Encourage privately owned and maintained and publicly accessible recreation spaces that encourage community interaction; complement the private property uses; and, when adjacent to existing and planned parks, trails, recreation facilities, or open spaces, connect them to these facilities. This policy is particularly important in dense, urban areas.”

**The Light Tower Corporation should buy land, build their project, and maintain it, just as is done with the dog parks downtown and at many sites with POPOS (privately owned, publicly open spaces).**

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<sup>3</sup> Council Policy 6-34 <https://www.sanjoseca.gov/DocumentCenter/View/60393>

## **Riparian Policy**

The General Plan calls for a 100-foot setback for all but trails. The subsequently adopted Council Policy 6-34 calls a 100-foot setback, 200-foot setback for lighted structures and noise making equipment.

The use of bright colors, and glossy, reflect, see-through or glare producing building and material finishes is discouraged on Buildings and Structures.<sup>4</sup>

## **Guadalupe River Park Master Plan 2002 and Urban Design Guidelines**

Arena Green Park is part of the Guadalupe River Park and a large built environment as part of a public art project violates the Guadalupe River Park Master Plan. The process for public art within the park is laid out and the proposed Light Tower project violates that process.

“The park will continue to grow and change, but the vision that brought it to this point will remain: it will continue to be a natural heart for San José, providing a range of passive activities and offering habitat for wildlife.”<sup>5</sup>

“All public art should be designed to complement the vision of the park. Proposals should be related to the river or the immediate surrounding area—its history, environment, and the role they play in the city. Any proposals will be subject to the City of San José’s established procedures for the development of public art, with review by the Friends of Guadalupe River Park & Gardens, the Guadalupe River Park Task Force.”

“To preserve the open-space character of the Guadalupe River Park, new buildings in the park are discouraged.”

“New specific-use facilities such as museums or recreation centers are not part of the vision or mission of the Guadalupe River Park and should be sited elsewhere.”

## **Guadalupe River Flood Control Project Collaborative (1997) and Flood Control EIS**

Arena Green Park was created as part of the US Army Corps Flood Control project. The Environmental Impact Study (EIS) called for mitigation measures and subsequently, additional measures were developed by the Guadalupe River Flood Control Project Collaborative. We believe the Light Tower project does not conform to these agreements.

The City of San Jose, the Redevelopment Agency, the Natural Heritage Institute, CONCUR (environmental facilitators and mediators), the U.S. Fish and Wildlife Service, the California Department of Fish and Game, the National Marine Fisheries Service, the State Water Resources Control Board, the Santa Clara Valley Water District, and the U.S. Army Corps of Engineers met

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<sup>4</sup> Council Policy 6-34. Page 7. Item 4a.

<sup>5</sup> Guadalupe River Master Plan 2002

<https://www.grpg.org/Files/GuadalupeRiverParkMasterPlan.pdf>

in response to threatened litigation about the adequacy of the flood control mitigation measures. The group was able to reach a consensus to modify the plan and successfully addressed agency and environmental-group concerns, allowing the flood control project to proceed.

Elements of this new design included the underground floodwater bypass creating Arena Green Park East. This kept important existing riparian habitat within today's Arena Green Park from Santa Clara Street to the north and expanded onsite and offsite mitigation, and made refinements to allowed recreation features, including their location.

### **Arena Green Park User Study 2015**

PRNS performed outreach via two community meetings and an online survey about Arena Green Park East. Some members of the community had complained about "too many trees" and PRNS was looking for guidance. The results show that many members of the community specifically liked the trees. Complaints focused on the number of unhoused persons hanging out the park making it feel unsafe. The closed carousel and the worn and vandalized playground also attracted comments.

Arena Green Park was once more heavily used when the Carousel's operating costs were subsidized by the Sharks, the playground was not worn, and fewer people unhoused people were residing nearby. The shaded trees and river breezes still attract many residents in the summer. The vacant lots to the north and the south combined with the intermittent nature of Arena operations contribute to low usage rates. We believe the addition of 50,000 employees nearby will increase use of the park.

### **BART EIR**

The BART EIR addressed parking during and after construction. Importantly, the Sharks Organization believes that the analysis indicates they will have insufficient parking after development. The Light Tower Corporation wants to attract tourists so they will depend on the same parking spaces. If the Sharks Organization foresee negative impacts to events on which their fans spend significant dollars, the more passive Light Tower project will be negatively impacted too.

### **Diridon Station Area Plan and Midtown Specific Plan**

These two specific plans called for the area around Diridon Station to be served by parks at Arena Green Park and at the Fire Station Training Center. In addition the Los Gatos Creek trail, and the Diridon Station Promenade were identified as open space.

Unfortunately, the Fire Station Training center was sold to Google. Caltrain Integrated Station Concept plans suggest taking most of the Promenade. No new park sites have been identified to serve the 25,000 new residents and 50,000 new employees. Current park acquisition ordinances prohibit transfer of parcels und ½ acre, posing an additional obstacle to creating a non-continuous chain of park and recreation facilities.

This leaves only Arena Green Park to serve all 75,000 new residents and employees expected in the Diridon Station area. Perhaps, some privately owned public recreation areas will be built. Fees on residential units will be collected and a community benefits fund is suggested to meet many needs, including open space, housing, public art, road improvements, trail improvements, and much more..

The construction of a large scale art project at Arena Green Park, creating a large built environment, will take from the *only* open space that we know will be available to serve all these residents.

### **Diridon Station Area Advisory Group (SAAG)**

The SAAG Group has been meeting in response to the proposed Google development proposals. They have discussed concerns and issues. Public open space was a priority and they highlighted the Diridon Station Area plan, the General Plan, and the Greenprint as their guiding principals. They felt that quality of life was dependent on the presence of *green* open space, not just paved plazas. They will continue to meet to make recommendations on the allocations of the Community Benefits Fund.

### **Project Subsidies and Costs**

The Light Tower Corporation claims it wishes to offer a free gift to the City however, the Corporation has already received significant subsidies and appear to be requesting additional subsidies. **We oppose any subsidies for this project.**

#### **Subsidies already given**

Site Selection Study	Paid by City Park Trust Fund (PDO/PIO money)
Senior Management, Park Staff Time serving as project manager and consultant	Paid by City Park Trust Fund and General Fund
Senior Management, Public Works, City Manager, Airport, Office of Economic Development, Office of Cultural Affairs. Over 50 hours to Develop Site Selection Study	Paid by General Fund, Hotel Tax, and other funds

#### **Subsidies Expected**

Parkland worth millions of dollars per acre  
Unspecified money from grants and other funds linked to Arena Green Park location<sup>6</sup>—  
this appears to be

Park Trust Fund  
Community Benefits Fund  
Senior Park Management Serving as project management

### **Art Contest Likely to Fail**

The Light Tower Corp proposes an open contest for their icon. They cite only ONE example of a successful open contest leading to a public icon: the Washington DC Vietnam War Memorial. In

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<sup>6</sup> Site Selection Study. "Incentives and cost offsets."

contrast, when the city initiated the St. James park re-visioning project, the Office of Cultural Affairs recommended that the City proceed with soliciting qualified competitors and pay them a stipend for their submissions. The regular city process requires artists to submit their portfolios, i.e. pre-qualify.

Any large scale project will require advanced construction knowledge. Great artists with these skills are unlikely to spend time on submitting to an open art contest. If the Light Tower Corp has enough money to pay for a giant project, then they should use their money to conform to a method of soliciting ideas that the city has found to successful here.

### **Fundraising Competes With City Priorities**

The Light Tower Corporation fundraising activities will be competing with a previously approved project—the Levitt Pavilion and St. James Park Re-visioning. Fundraising will start in earnest when the EIR is completed and certified. We do not think both projects, Light Tower and St. James Park, can compete in the philanthropic environment.

### **Lightning in a bottle**

We believe in public art. We also believe that creating “world class, iconic art that will attract tourists” is like catching lightning in a bottle—nearly impossible. The world and our city is littered with failed and divisive art projects. We believe there are other places that are more appropriate to take the risk of an ordinary or divisive piece of art. Further, we believe that a true gift to the City would mean buying the land needed for the project rather than taking land from the park system, compelling neighborhoods of modest means to give up access to parkland in order to receive a “gift” subsidized by the city.

**We urge the Council reject the site analysis and ask the proponents to fully fund their gift by compensating the City for all expenses and by buying a site rather than taking parkland from a park deficient area.**

Sincerely,

/s/

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cc.  
City Clerk  
City Manager Dave Sykes  
Deputy City Manager Angel Rios  
Director of Parks Jon Cicirelli  
San Jose Parks Advocates Board