

From: [Keyon, David](#)
To: [Downtown West Project](#)
Subject: Fw: AB 900 Notification Procedures
Date: Wednesday, August 19, 2020 5:42:55 PM
Attachments: [AB 900 Certification, Downtown West, signed 12.30.19.pdf](#)

David Keyon

Principal Planner, Environmental Review
City of San Jose
(408) 535-7898 david.keyon@sanjoseca.gov

From: Karl Heisler <KHeisler@esassoc.com>
Sent: Thursday, January 2, 2020 1:07 PM
To: Hill, Shannon <Shannon.Hill@sanjoseca.gov>; Bhavesh Parikh <bhaveshp@google.com>
Cc: Heidi Rous <HRous@esassoc.com>; Hillary Gitelman <HGitelman@esassoc.com>; Keyon, David <david.keyon@sanjoseca.gov>; Linda S. Peters <lspeters@esassoc.com>; Pete Choi <PChoi@esassoc.com>; Victoria Hsu <VHsu@esassoc.com>; wangan@google.com <wangan@google.com>
Subject: RE: AB 900 Notification Procedures

[External Email]

Shannon: See attached.

Karl F. Heisler

ESA | Environmental Science Associates
550 Kearny Street, Suite 800
San Francisco, CA 94108-2512
phn 415.896.5900 | fax 415.896.0332

From: Hill, Shannon <Shannon.Hill@sanjoseca.gov>
Sent: Thursday, January 2, 2020 12:28 PM
To: Bhavesh Parikh <bhaveshp@google.com>; Karl Heisler <KHeisler@esassoc.com>
Cc: Heidi Rous <HRous@esassoc.com>; Hillary Gitelman <HGitelman@esassoc.com>; Keyon, David <david.keyon@sanjoseca.gov>; Linda S. Peters <lspeters@esassoc.com>; Pete Choi <PChoi@esassoc.com>; Victoria Hsu <VHsu@esassoc.com>; wangan@google.com
Subject: RE: AB 900 Notification Procedures
Importance: High

Hi Bhavesh,

We still cannot access the determination. Could you please add my email for access to the PDF, or send the PDF of the Governor's determination as an attachment outside the Google system as Karl requested?

We need to request posting in the Mercury News today, and there is no active link to the

determination on the AB 900 website.

Thanks!

Shannon Hill, Planner

Planning, Building & Code Enforcement | Environmental Review Section

City of San José | 200 East Santa Clara Street

Shannon.Hill@sanjoseca.gov | (408) 535 - 7872

From: Bhavesh Parikh <bhaveshp@google.com>

Sent: Monday, December 30, 2019 5:54 PM

To: Karl Heisler <KHeisler@esassoc.com>

Cc: Heidi Rous <HRous@esassoc.com>; Hill, Shannon <Shannon.Hill@sanjoseca.gov>; Hillary Gitelman <HGitelman@esassoc.com>; Keyon, David <david.keyon@sanjoseca.gov>; Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>; Linda S. Peters <lspters@esassoc.com>; Pete Choi <PChoi@esassoc.com>; Raval, Meenaxi <meenaxi.raval@sanjoseca.gov>; Victoria Hsu <VHsu@esassoc.com>; wangan@google.com

Subject: Re: AB 900 Notification Procedures

[External Email]

You should be able to access now. Thanks.

On Mon, Dec 30, 2019 at 5:47 PM Karl Heisler <KHeisler@esassoc.com> wrote:

Thank you, Bhavesh, and congratulations!

I cannot download the certification without permission. Are you able to send a version from outside the Google system?

Thank you.

Karl F. Heisler

ESA | Environmental Science Associates

[550 Kearny Street, Suite 800](#)

[San Francisco, CA 94108](#)-2512

phn 415.896.5900 | fax 415.896.0332

From: Bhavesh Parikh <bhaveshp@google.com>

Sent: Monday, December 30, 2019 5:41 PM

To: Karl Heisler <KHeisler@esassoc.com>

Cc: Hillary Gitelman <HGitelman@esassoc.com>; Pete Choi <PChoi@esassoc.com>; wangan@google.com; Hill, Shannon <Shannon.Hill@sanjoseca.gov>; Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>; Raval, Meenaxi <meenaxi.raval@sanjoseca.gov>; Linda S. Peters <lspters@esassoc.com>; Keyon, David <david.keyon@sanjoseca.gov>

Subject: Re: AB 900 Notification Procedures

Hi all,

The Governor has certified our Downtown West AB 900 application. Attached is the

executed certification. We now have 10 days to release the public notice. Thank you all and let me know if you have any questions.

Happy New Year!

 [AB 900 Certification, Downtown West, signed 12...](#)

Bhavesh Parikh | Director, Real Estate Development | 858-750-0060



On Fri, Dec 20, 2019 at 4:59 PM Karl Heisler <KHeisler@esassoc.com> wrote:

Excellent! Thank you.

Karl F. Heisler

ESA | Environmental Science Associates
[550 Kearny Street, Suite 800](#)
[San Francisco, CA 94108-2512](#)
phn [415.896.5900](tel:415.896.5900) | fax [415.896.0332](tel:415.896.0332)

From: Bhavesh Parikh <bhaveshp@google.com>

Sent: Friday, December 20, 2019 4:54 PM

To: Keyon, David <david.keyon@sanjoseca.gov>

Cc: Hillary Gitelman <HGitelman@esassoc.com>; Karl Heisler <KHeisler@esassoc.com>; Pete Choi <PChoi@esassoc.com>; wangan@google.com; Hill, Shannon <Shannon.Hill@sanjoseca.gov>; Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>; Raval, Meenaxi <meenaxi.raval@sanjoseca.gov>

Subject: Re: AB 900 Notification Procedures

Hi David and Shannon,

Here is the update on the AB 900 certification... the Governor is going to certify our application on 12/30. He wants to give the lead agency the opportunity to get the notice of certification out within the 10 day timeline (calendar days). With the holiday schedule of the City of San Jose, his office thought it was best to wait until 12/30.

Thank you all and Happy Holidays!

Bhavesh Parikh | Director, Real Estate Development | [858-750-0060](tel:858-750-0060)



On Thu, Dec 19, 2019 at 4:41 PM Keyon, David <david.keyon@sanjoseca.gov> wrote:

Hi Team,

Below are procedures depending on when Governor Newsom certifies the AB 900 application:

- A. Certification on 12/20 or 12/23 (before 12:00 noon): Please send confirmation the project is certified to everyone who is copied on this e-mail. We will then prepare mailings and send the newspaper notice through the usual channels, as City Hall and our Legal Publications Department will be open.
- B. Certification on 12/23 (after 12:00 noon) through 12/26: Please send confirmation the project is certified to everyone copied on this e-mail. We will prepare the notices and send directly to the Mercury News for publication within 10 days of certification (Mercury News needs at least a 5 working day lead time). As Legal Publications will be closed, the applicant will have to pay the Mercury News directly. The mailings will go out when we return on January 2nd.
- C. Certification 12/27 through 12/31: Please send confirmation the project is certified to everyone on this e-mail. We will be able to prepare and mail the notices and send the publication notice to the Mercury News via our usual channels once we return on January 2nd.

I am also attaching the AB 900 Notice revised to fit on the City's letterhead.

Thank you!

David Keyon

City of San Jose PBCE
Principal Planner Environmental Review
[\(408\) 535-7898](tel:(408)535-7898)

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Bhavesh Parikh | Director, Real Estate Development | 858-750-0060



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OFFICE OF THE GOVERNOR

**GOVERNOR'S CERTIFICATION GRANTING STREAMLINING FOR
THE DOWNTOWN WEST MIXED-USE PLAN
IN THE CITY OF SAN JOSE**

I, **GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, Public Resources Code Section 21178 et seq., make the following determinations:

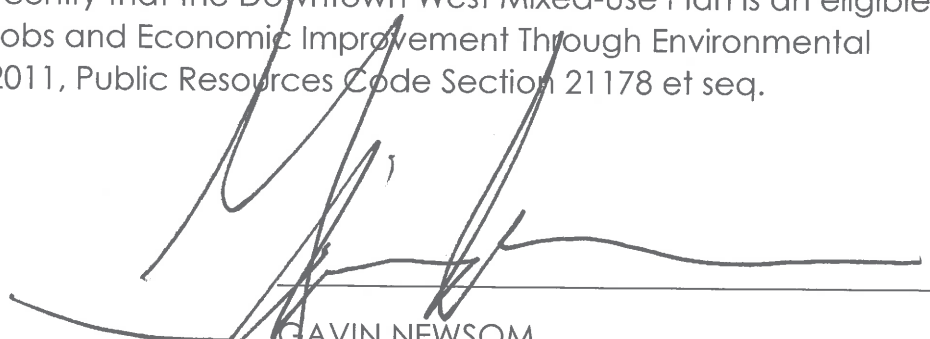
The Downtown West Mixed-Use Plan, a mixed-use residential development in San Jose, will invest more than \$1 billion dollars in the California economy, create jobs, reduce energy usage and use clean energy, and promote infill development. A copy of the Project's Application, which contains information supporting this certification, is attached as Exhibit 1. All materials associated with this application are available online at: <http://www.opr.ca.gov/ceqa/california-jobs.html>

1. Project Applicant: Google, LLC
2. Project Description: The Applicant proposes to build up to 500,000 GSF of commercial retail space (including arts and cultural, educational, and institutional uses); a hotel with up to 300 guest rooms; up to 800 rooms of limited-term corporate accommodations; an approximately 100,000-GSF event facility with flexible and divisible spaces for hosting conferences and assemblies year-round; up to 5,900 housing units; and up to 3,650 public parking spaces.
3. Lead Agency: City of San José
4. The project meets the criteria set forth in Public Resources Code Section 21180(b)(1). It is
 - a. A mixed use residential/commercial project (see Exhibit 1, page 12);

- b. Designed to be eligible for LEED ND Gold rating (see Exhibit 1, pages 12-13);
 - c. Designed to achieve a 15-percent greater standard for transportation efficiency than for comparable projects (see Exhibit 1, pages 14-16 and Exhibit 2);
 - d. Located on an in-fill site (see Exhibit 1, page 16);
 - e. Consistent with the Sustainable Communities Strategy for the San Francisco Bay Area region (see Exhibit 1, pages 17-18).
5. As a multifamily residential project, the project will provide unbundled parking for all residential units except for any dwelling units subject to affordability restrictions that prescribe rent or sale prices and for which the cost of parking spaces cannot be unbundled from the cost of the affordable dwelling units pursuant to Public Resources Code Section 21184.5 (see Exhibit 1, page 18).
6. The size and scope of the project clearly establish that the project entails a minimum investment of \$100 million in California through the time of the completion of construction in compliance with Public Resources Code Section 21183(a) (see Exhibit 1, pages 18-19).
7. The project applicant has provided information establishing that the prevailing and living wage requirements of Public Resources Code Section 21183(b) will be satisfied (see Exhibit 1, page 19 and Exhibit 3, pages 4-5).
8. The project applicant has provided information establishing that the project will not result in any net additional greenhouse gas emissions (see Exhibit 1, pages 20-21), and the Executive Officer of the California Air Resources Board (CARB) has made the determination that the project does not result in any net additional greenhouse gas emissions in compliance with Public Resources Code Section 21183(c) (see CARB Determination dated December 19, 2020, attached as Exhibit 5).
9. The project applicant has provided information establishing that the project will comply with the requirements for the commercial and organic waste recycling of Public Resources Code Chapter 12.8 (commencing with Section 42649) and 12.9 (commencing with Section 42649.8) of Part 23 of Division 30, as applicable in compliance with Public Resources Code Section 21183(d) (see Exhibit 1, pages 21-22).

10. The project applicant has provided documentation reflecting a binding agreement establishing the requirements set forth in Public Resources Code sections 21183(e), (f), and (g) to undertake mitigation measures, to pay the costs for hearing by the Court of Appeal, and to pay the costs of preparing the record of proceedings (see Exhibit 1, page 23 and Exhibit 4).
11. This certification covers the project variants that have been analyzed in the application.
12. A public comment on the project application was received and is posted at <http://opr.ca.gov/ceqa/California-jobs.html>. This comment was considered prior to the making of this determination.

Therefore, I hereby certify that the Downtown West Mixed-Use Plan is an eligible project under the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, Public Resources Code Section 21178 et seq.



GAVIN NEWSOM
Governor of California

December 30, 2019