

From: [Joshua M](#)
To: [Hill, Shannon](#)
Subject: Google Project NOP comments
Date: Friday, November 22, 2019 4:59:22 PM
Attachments: [CEEJ_NOP -11-22-2019\[9239\].pdf](#)

[External Email]

Dear Ms. Hill

Please see the attached comments from Citizens foe Environmental and Economic Justice Regarding the Notice of Preparation of an EIR for the proposed Google Project.

Cheers,

Joshua McCluskey

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Citizens for Environmental and Economic Justice

CEEJ

November 22, 2019

Shannon Hill
Environmental Project Manager
Department of Planning, Building and Code Enforcement
City of San Jose
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905

Dear Ms. Hill:

RE: Downtown West Mixed-Use Plan (Google Project) Notice of Preparation (NOP), San José, CA

Citizens for Environmental and Economic Justice is a 501(c)(3) organization that provides scientific assistance for disadvantaged stakeholders without the financial resources to hire scientists and experts to evaluate the environmental and health effects of development projects in their communities. CEEJ supports sustainable mixed-use projects that provide affordable housing, equitable environmental protection, employment opportunities, without displacing or gentrifying existing communities.

Background

The project applicant, Google LLC submitted an application to be eligible for judicial streamlining per AB 900 under the California Environmental Quality Act (CEQA) on September 3rd, 2019.¹ The proposed project must comply with the 2019 CEQA Statutes and Guidelines per Sections §21178 - §21189, Chapter 6.5: Jobs and Economic Improvement through Environmental Leadership Act of 2011.

Project Description

Both the NOP and the AB 900 Environmental Leadership Development Project Application for the Downtown West Mixed Use Plan include in the project description two proposed project site plans. The NOP states that the “Proposed Project” and the “Northern Variant” options will have same ranges of development as shown in **Table 1: Project Summary (p.6)**, but the Northern Variant would have a different geographic distribution of land uses, and “flex” land use designations in order to “maintain flexibility and ensure optionality would exist in the event that external factors in some ways limit full implementation of the project’s program” (p.9).

The project site includes an area of approximately 84 acres within the western portion of Downtown San Jose and the Diridon Station Area Plan (DSAP). The proposed project consists of the following: Rezoning, General Plan Amendment, Planned Development Permit for demolition of existing structures, and the development of office, retail, arts and cultural uses, residential, hotel, limited-term corporate accommodation, an event/conference center, up to two utility plants (district systems), logistics/warehouse, open space/setbacks, and public/commercial public parking (Table 1).

¹ <http://opr.ca.gov/ceqa/california-jobs.html>

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CEEJ has concerns with the proposed project which includes the possible effects to affordable housing, accessibility, and renter protections. The homelessness rate increased 30-40% in the last two years in the county, with the highest increase among Latinos and women.^{i, ii, iii} Renter protections are not given priority and continuously rolled back^{iv}; while public land is sold to Google at a discounted rate. They are now the 3rd largest landowner in the county.^v The potential loss of small businesses as 20,000 new tech jobs are created on a campus that provides housing, food, and entertainment, looms large as many of those small businesses serve vulnerable populations.^{vi, vii} Per CEQA §15131, the EIR must disclose the “chain of cause and effect from a decision on a project through anticipated economic or social changes resulting from the project”. The significant amount of Google’s new retail, cultural center, and other types of business can potentially exacerbate blight in downtown San José. Furthermore, accessibility to public transportation is being reduced in vulnerable communities that rely on it the most. Consequently, this proposed project may cause the further loss of VTA routes as new employees prefer to use private busses as opposed to public transportation. Google should contribute to improving existing public services and infrastructure for social, economic, and environmental benefits.

CEEJ requests the EIR include the following information and analyses per CEQA §15121:

- **Project Description:** Clearly describe and decipher the “Proposed Project” and the “Northern Variant” options. The different geographic locations of the proposed land uses such as, the residential will have different environmental baseline conditions, and therefore potentially distinct environmental and health impacts. The project description must disclose the baseline year for the analyses: the approximate start date of the construction and demolition phases, and the total duration of the construction phases with the concurrent operational phases. The NOP states that the “construction is anticipated to occur in three phases within the project’s horizon year of 2040”. However, the AB 900 application states that construction may start as early as 2021 with the first phase opening in 2024, and “is expected to take at least ten years” for the entire development program. The EIR must disclose accurate information for an adequate CEQA analyses, and not based on assumptions for future expansion to be analyzed upon at a later date. (§15124, 15125)
- **Transportation:**² The EIR must include the following: If this project will impact current VTA services to disadvantage residents; any impacts along transit (BART, Cal Train, VTA) corridors that need additional revenues to accommodate increased capacity and maintain efficiency; traffic and safety impacts to neighborhoods within 5 miles; whether the employee buses and shuttle service have air quality impacts to neighborhoods and vulnerable populations if the shuttles are not zero emission. Mitigation measures must include the reduction of VMT.
- **Population and Housing:** The EIR must disclose indirect impacts such as the following examples: How will the proposed project impact vulnerable communities in the South Bay, including demographics and displacement? Whether this project will displace businesses that serve vulnerable communities? The effects of this project on other job sectors including police, health care, and fire fighters that will potentially commute long distances to work in San José.

² “How the project will achieve at least 15 percent greater transportation efficiency, as defined in Public Resources Code section 21180(c), than comparable projects. The applicant shall provide information setting forth its basis for determining and evaluating comparable projects and their transportation efficiency, and how the project will achieve at least 15 percent greater transportation efficiency. For residential projects, the applicant shall also submit information demonstrating that the number of vehicle trips by residents divided by the number of residents is 15 percent more efficient than for comparable projects. For the purposes of this provision, comparable means a project of the same size, capacity and location type.” <http://opr.ca.gov/ceqa/california-jobs.html>

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- **Air Quality:** The EIR must disclose the City of San José as an AB 617 and CARE community and the cumulative health impacts to existing and future residents, especially sensitive populations. The analyses must include all the phases of the project: construction, demolition, operation, and concurrent phases which include stationary and mobile sources. Mitigation measures must be included for criteria air pollutants, fine particulate matter, and toxic air contaminants.
- **Hazards/Hazardous Materials:** The NOP states the project has numerous contamination sites per the Government Code section 65962.5 (Cortese List). The EIR must include the baseline conditions, the cleanup/remediation phases, and the emissions associated with the remediation to be included in the cumulative health risk assessment for all the phases of the project.
- **Utilities and Energy:** The NOP must analyze the impacts of up to two central utility plants on the project site, and include the impacts if the plants are not feasible on-site. In addition, the potential impacts of increased energy and water demands of this project must be included in the cumulative and growth inducing impacts, with the past, present, and future projects within the General Plan and the Diridon Station Area Plan.

Our goal is to ensure that everyone has an equal voice in the future development of our collective community and that concerns are properly address.

Thank you,

Joshua McCluskey



C.E.E.J Board Member

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ⁱ **Hispanic Foundation of Silicon Valley - Latino Report Card 2018**

<https://hfsv.org/download/document/611/2018SiliconValleyLatinoReportCard-Final.pdf>

ⁱⁱ **Report on Women Experiencing Homelessness in Santa Clara County - August 2018**

<https://www.sccgov.org/sites/owp/publications/Documents/Women-Homelessness-SCC-Final-Report-Aug-2018.pdf>

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iii **County of Santa Clara - BUILDING HOMES, CHANGING LIVES: 2016 Affordable Housing Bond Progress**

<https://www.sccgov.org/sites/osh/HousingandCommunityDevelopment/AffordableHousingBond/Documents/Measure%20A%20Affordable%20Housing%20Bond%20Infosheet%202018%20FINAL.pdf>

iv **Citywide Anti-Displacement Strategy**

<http://www.sanjoseca.gov/index.aspx?nid=6366>

<https://www.surveymonkey.com/r/KFPCMJ8> - San José Resident Survey <https://www.surveymonkey.com/r/KDLMN8V> -

Encuesta de inquilinos actuales y anteriores en San José

v **9/23/19 San Jose Diridon Station - Big Moves Design Workshop**

<https://static1.squarespace.com/static/5c38bcfdcc8fedd5ba4ecc1d/t/5d8e7457706def6fb4b5c313/1569617021947/190924+CM+Final+Presentation+-+For+Online.pdf>

Google Diridon San Jose Development Project

vi <http://www.sanjoseca.gov/GoogleProject>

vii <http://www.sanjoseca.gov/DocumentCenter/View/87765>

BAAQMD

http://www.baaqmd.gov/~/media/files/ab617-community-health/2019_0325_ab617onepager-pdf.pdf?la=en