

From: [Rood, Timothy](#)
To: [Han, James](#); [Tu, John](#); [Hill, Shannon](#); [Keyon, David](#)
Cc: [Ruano, Jose](#); [Manford, Robert](#); [Hughey, Rosalynn](#); [Klein, Nanci](#); [Ekern, Bill](#)
Subject: Re: Contamination and land use on Arena A/B/C lots
Date: Friday, November 22, 2019 3:32:34 PM
Attachments: [image001.png](#)

On our call today, Google confirmed that they are aware of the covenant and plan to remediate the site to the extent needed to secure DTSC approval for residential, such as a No Further Action level.

From: Rood, Timothy
Sent: Friday, November 22, 2019 2:46:05 PM
To: Han, James <James.Han@sanjoseca.gov>; Tu, John <john.tu@sanjoseca.gov>; Hill, Shannon <Shannon.Hill@sanjoseca.gov>; Keyon, David <david.keyon@sanjoseca.gov>
Cc: Ruano, Jose <Jose.Ruano@sanjoseca.gov>; Manford, Robert <Robert.Manford@sanjoseca.gov>; Hughey, Rosalynn <Rosalynn.Hughey@sanjoseca.gov>; Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Ekern, Bill <Bill.Ekern@sanjoseca.gov>
Subject: Contamination and land use on Arena A/B/C lots

Hi, FYI – in response to a question from SOM, Jose looked up the restrictions on uses of the A/B/C lots at the state Department of Toxic Substance Control’s Envirostor website.

The covenant is here:

https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/7185956656/SanJoseSportsArena_DEED_43730007.pdf.

It includes the following:

“Based on the PEA, the Department concluded that **use of the Property as a residence**, hospital, school for persons under the age of 21, or day care center **would entail an unacceptable health risk**. The Department further concluded that the Property, as remediated, and subject to the restrictions of this Covenant, does not present an unacceptable threat to human safety or the environment, if limited to commercial and industrial, parks, and/or open space use.”

“Residential” is defined as “A residence, including any mobile home or factory built housing, constructed or installed for use as residential human habitation.”

The Google project’s proposed residential land use alternative for this area would therefore appear not to be consistent with the covenant, which runs with the land.

Tim





2.09.1 Illustrative Framework Plan

- Legend**
- Use Boundary
 - Office
 - Parks
 - Housing
 - Retail
 - Area C Cultural Arts, Education - Other future use



Notes:

- 1. Location, dimensions and arrangement of open spaces, streets and parks on each block perspective are approximate and may change as vertical building are developed. Minimum standards will be defined in the Design Standards and Guidelines.
- 2. Retail, cultural, and other active uses as well as event centers should seek compact accommodations, district centers and other activity office uses are permitted as accessory uses within primary land use designations and underlying zoning. Their land use designation.
- 3. Project boundaries and building footprints are subject to change as part of iterative alignment process.
- 4. This represents an illustrative depiction of potential building footprints. Precise footprints and modeling will be refined by design guidelines and standards documents and actual design may differ. See Land Use Sheet 2.09 for land use options allowed.

2.09.2 Alternative Illustrative Framework Plan

2.09

Illustrative Framework
Downtown West Mixed-Use Plan
10/10/2019