

From: [Hill, Shannon](#)
To: [Hillary Gitelman](#); [Karl Heisler](#); [Linda S. Peters](#)
Cc: [Downtown West Project](#); [Keyon, David](#)
Subject: FW: City of Santa Clara Comments on Draft EIR for the Downtown West Mixed-Use Plan
Date: Tuesday, December 8, 2020 7:37:06 PM
Attachments: [image001.png](#)
[City of Santa Clara Comment Letter on EIR for the Downtown West Mixed-Use Plan.pdf](#)

Please refer to the attached comment letter from the City of Santa Clara.

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: Andrew Crabtree <ACrabtree@SantaClaraCA.gov>
Sent: Tuesday, December 8, 2020 2:54 PM
To: Hill, Shannon <Shannon.Hill@sanjoseca.gov>
Cc: Deanna Santana <dsantana@santaclaraca.gov>; Brian Doyle <BDoyle@SantaClaraCA.gov>; Manuel Pineda <MPineda@SantaClaraCA.gov>; Hughey, Rosalynn <Rosalynn.Hughey@sanjoseca.gov>; Manford, Robert <Robert.Manford@sanjoseca.gov>
Subject: City of Santa Clara Comments on Draft EIR for the Downtown West Mixed-Use Plan

[External Email]

Ms. Hill,

Please find attached the City of Santa Clara's comment letter regarding the Draft Environmental Impact Report for the Downtown West Mixed-Use Plan.

Thank you,

Andrew Crabtree | Director of Community Development
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December 8, 2020

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

**Subject: Comments on Draft Environmental Impact Report for the
Downtown West Mixed-Use Plan**

Via email: shannon.hill@sanJoseca.gov

Dear Ms. Hill:

The City of Santa Clara has reviewed the Draft Environmental Impact Report (DEIR) prepared for the Downtown West Mixed-Use Plan (the "Google Project" or the "Project"). The Google Project involves demolishing numerous buildings within an approximately 81-acre Project site and development of up to 5,900 residential units, 7,300,000 gross square feet (GSF) of office space, 500,000 GSF of commercial retail space, 300 hotels rooms, 800 rooms for limited-term corporate accommodations, 100,000 GSF of event center space, 130,000 GSF for utility plants, and 100,000 GSF of logistics warehouse space over three phases. Governor Newsom certified the project under the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (AB 900) on December 30, 2019. It is unclear if AB 900 will be legislatively extended, thereby allowing the Project to avail itself of AB 900's judicial streamlining benefits. However, we understand that the Project applicant has committed to providing the environmental benefits required under AB 900 regardless of whether the statute's sunset date is extended.

The following comments are provided following our review of the DEIR.

1. Transportation and Circulation

Inaccuracies in Appendix J1, Table 2

Existing uses in Table 2 in Appendix J1 differ significantly from information provided elsewhere in the DEIR. It shows 2,436 existing residents and 4,078 existing jobs. However, the rest of the DEIR states that there is only one occupied residence and

approximately 650 jobs on the Project site currently. This should be revised to be consistent with the rest of the DEIR, and the FEIR should clarify whether these corrections alter other transportation related analyses.

Project Trip Generation Analysis

Appendix J2 incorrectly and inconsistently characterizes Project growth under LTA Phase 1. Tables 5 and 10 both provide the Land Use Summary for LTA Phase 1 and Buildout. Table 11 then provides the LTA Phase 1 Person Trip Generation figures based on the amount of development assumed for LTA Phase 1 under Table 5. LTA Phase 1 corresponds with Scenario 2b which includes “traffic generated by the level of development constructed prior to the completion of BART to Diridon.” (Appx. J2, pp. 39, 50, 95.) As more explicitly explained on page 96: “The LTA analysis phases differ from the Project phases. LTA Phase 1 includes Project phases 1 and 2.” Therefore, for LTA Phase 1, Tables 5, 10, and 11 should reflect the amount of development associated with Project Phase 1 and Phase 2, but they do not. Table 10 only reflects Project Phase 1 growth; it includes no portion of Project Phase 2 growth although much of Project Phase 2 will be completed prior to completion of the BART extension. Table 5 (and thus Table 11) appears to include a portion, but not all, of the corporate accommodations and commercial space to be constructed during Project Phase 2. However, the number of residential units shown is *less than* those that will be completed during Project Phase 1. By underrepresenting Project development that will occur prior to completion of BART Phase 2, the analysis underestimates the number of gross person trips generated by the Project under Scenario 2b. As a result of this underestimation, the Scenario 2b analyses do not represent the full impact of Project growth on transit and congestion. Thus, these tables and related analyses must be corrected. If the updated analyses demonstrate there will be significant impacts to transit, the DEIR must be recirculated.

VMT Analysis

Regional VMT: The DEIR determined employment VMT significance based off a 15 percent reduction in regional per employee VMT. The City of Santa Clara maintains that for projects of this size, the City of San José (San José) should consider whether a more stringent threshold should be applied given the fact that 15 percent VMT reductions may prove inadequate for the State to achieve its climate goals. However, the City of Santa Clara recognizes that the Google Project’s per employee VMT is projected to be approximately 32 percent lower than the regional average and thus would adequately contribute to the State’s ability to meet its climate goals.

Limited-term corporate accommodations VMT: The VMT analysis is unclear with respect to the limited-term corporate accommodations. Please clarify whether this use was included in the Project VMT analysis and the Cumulative VMT analysis. Additionally,

please clarify whether it was evaluated as a residential use. It is likely this use would result in a lower per capita VMT than a permanent resident. Persons staying in the corporate accommodations would most likely only need to commute to a workspace on the Project site, allowing them to commute by foot. Further, they would be more likely to rely on transit or services like Lyft or Uber—which were not analyzed in the transportation analyses—than by personal vehicle like a permanent resident. Factors such as these would result in a low VMT and, if wrapped into the residential per capita VMT calculations, would improperly skew the residential VMT projections downward. Accordingly, if they were included in the residential VMT, the City of Santa Clara requests that analysis be rerun to only include permanent residents.

Event Space VMT: Appendix J1 concludes without analysis that the event space would have less than significant VMT. Analysis must be provided. The space will accommodate up to 2,000 people. Appendix J1 claims that most events would be targeted to onsite employees, meaning about 70 percent of attendees would already be in the Project area. However, that means as many as 600 people per event will be traveling from outside the Project area. VMT related to these attendees must be analyzed.

Roadway Expansion VMT: The project is proposing new street connections and SB 743 clearly states the requirements for disclosing induced VMT, impacts to multimodal transportation networks, and impacts to potential mixed-use developments. The Transportation section 3.13 within the CEQA document discusses the VMT due to the project roadway modifications and states the impact to be less-than-significant based on a qualitative discussion without any analysis. The CEQA document should include a discussion that quantitatively discloses what the VMT impact of the proposed project would be related to the roadway network changes. The travel demand model used for the transportation analysis can also be used to quantify these impacts.

Demands on Multi-Modal Transit

The DEIR states that the Google Project “would conflict with a transit-related program plan or policy if it would conflict with existing or planned transit services, or services or would decrease the performance or safety of such services.” However, the DEIR fails to adequately analyze whether the Google Project would degrade the performance of transit services, which could in turn induce an increase in vehicle trips and related impacts.

Transit Supply and Demand: The Google Project is anticipated to lead to the direct generation of 31,198 jobs at full buildout, up to 5,900 residential units, and indirectly lead to the generation of another 80,000 jobs. However, the DEIR only provides a conclusory determination as to whether transit demand generated by the Project would exceed each transit provider’s capacity and thereby avoids addressing whether mitigation is required.

If the Project causes capacity to be exceeded, it may induce travelers to travel by vehicle, including by services such as Uber or Lyft.

Rather than evaluate the impact of the Project on each route or transit provider, the DEIR aggregates Project demand for all VTA bus lines as well as the Monterey-Salinas Transit and Amtrak 17 Express by cardinal direction. Aggregating the demand obscures the extent of Project demand on each service and each individual line or route—minimal impacts on some routes would effectively cancel out significant impacts on other routes. Thus, each line and route should be analyzed separately to transparently reflect the Project's demand.

Further, the DEIR only provides a single analysis of the potential for the Project to exceed transit capacity—this is with respect to crowding on Caltrain. (Appendix J2, p. 140 [providing maximum load with and without the Google Project and analysis whether it exceeds the comfortable crowding level].)¹ For each other type of transit (VTA bus lines, VTA Light Rail, Capitol Corridor, and Altamont Corridor Express), the Project's demand is only given in the number of riders or the percent of capacity that the Project will use. This information gives no indication whether the Project will contribute to capacity being exceeded on any route or line. For instance, while Appendix J2 admits that the Project may lead to mild to moderate crowding on VTA services during peak hours, it is not clear what level of crowding will exist or what the Project's contribution will be. As with Caltrain, the "Maximum Load Without the Project" and the "Maximum Load with the Project" must be provided to determine how severely the maximum load may be exceeded and to what extent the Project contributes to the exceedance. Additionally, where the Google Project contributes to an exceedance, it must identify feasible mitigation to reduce the impact.

Regarding Project demand on the Altamont Corridor Express, we further note that Table 36 does not match the text in section 5.2.6.5, which states that the Project is expected to generate around 350 new trips, representing approximately half of peak hour capacity. The corresponding column for buildout in Table 36 shows 254 trips and 39 percent of peak hour capacity.

The analysis of the Project's impact on BART notes that BART reaches its max load point in the Transbay Tube. First, this ignores that excessive crowding already exists on BART during peak hours many stops before the Transbay Tube and thus the Project will likely contribute to excessive crowding even if, as Appendix J2 asserts, most Project riders will alight prior to reaching the West Oakland Station. Additionally, by focusing on the

¹ Additionally, this analysis appears inconsistent with the text of the DEIR. The DEIR states that the threshold for exceeding peak passenger loads is "120 percent of seated capacity for all transit modes except Express Bus, which is 100 percent of seated capacity." (DEIR, p. 3.13-34.) However, Appendix J2 inconsistently asserts crowding on Caltrain is acceptable up to 135 percent of capacity and thus finds 132% crowding is not excessive. (Appendix J2, pp. 139-140.)

Transbay Tube, it fails to analyze whether excessive crowding conditions may exist near the Diridon Station stop during peak hours. It is likely that a significant number of riders will pass through Diridon Station in either direction after BART Phase 2 is completed. If crowding conditions exist in either direction, it is unquestionable that the Project would contribute to those conditions.

Transit Delay (LTA): The Transit Vehicle Delay analysis only looked at intersection LOS impacts and excluded other impacts to transit delay such as dwell time. Because the Project will add a significant number of new passengers, it is likely to contribute to boarding delays which can create further system delays.

Further, there is no commitment to mitigate the impacts to transit delay. Appendix J2 states that transit signal priority and/or dedicated public service lanes have been identified as potential improvements to address transit delays. While Appendix J2 states that “the Project applicant will fund a study to evaluate the feasibility of a dedicated public service lane along Santa Clara Street/The Alameda between 17th Street and I-880,” the DEIR states that the conditions of approval *may* require the Project applicant to provide “funding for the study of a dedicated bus lane and/or other transit speed improvements (queue jumps, signalization, etc.) within existing right-of-way from 17th Street to I-880 along Santa Clara Street–The Alameda as part of the Development Agreement.” Thus, it is not definitive whether the Project applicant will fund the necessary study to determine the feasibility of the identified transit improvements. The Project applicant must be required to fund these studies and contribute its fair share of funding for feasible improvements.

Local Transportation/Congestion Management Analysis

Buildout assumptions: The scope of the LTA analysis for City of Santa Clara intersections is incomplete as it only analyzed LOS impacts under Baseline Plus Project buildout conditions. The LOS analysis should also address Santa Clara intersections under Cumulative Plus Project buildout conditions as well. The Santa Clara intersections should be analyzed under the Cumulative Plus Project buildout scenario as this is the most conservative analysis versus analyzing under the Cumulative Plus Goal-Based Project buildout scenario. Additionally, the “Plus Project Buildout” analyses for City of Santa Clara intersections as well as Congestion Management Program (CMP) facilities assumes that BART service at Diridon Station will be operational. Given the scope of the BART extension project, it is quite possible that it will not be timely completed in 2030, meaning the Google Project will be built out before the BART extension is completed. If the BART extension is not operational, it is likely there will be greater vehicle congestion, which should be reflected in the LOS analyses.

City of Santa Clara Intersections: The City of Santa Clara appreciates that several intersections located in the City of Santa Clara were included in the LOS analysis. Based

on the trip assignment figures contained within the Local Transportation Analysis (LTA) and the City using VTA's 10-trip rule, the following intersections need to be analyzed in the LTA:

- El Camino/Lafayette St.
- El Camino/Monroe St.
- Stevens Creek/Winchester Blvd.
- Stevens Creek/Cypress Ave. and,
- Stevens Creek/Henry Ave.

Congestion Management Plan Intersections and Freeway Segments: The LOS analysis determined there would be impacts to a number of CMP intersections and freeway segments. For most of the CMP intersections, the LTA analysis determined that improvements were infeasible. Pursuant to the VTA Guidelines, San José is obligated to develop or implement a Multimodal Improvement Plan for impacts for which improvements are infeasible such as at the Central Expressway and De La Cruz intersection.

The LTA identified the following highway projects as relevant to (1) the Project's adverse freeway segment effects and (2) the exacerbated unacceptable operations at the intersection of De La Cruz Boulevard and Central Expressway:

- VTP ID H4: SR 87 Express Lanes (SR 85 to US 101)
- VTP ID H11: I-280 Express Lanes (Leland Avenue to Magdalena Avenue)
- VTP ID H15: I-880 Express Lanes (US 101 to I-280)
- VTP ID H25: US 101 Southbound/Trimble Road/De La Cruz Boulevard/Central Expressway Interchange Improvements.

While these improvements may be beyond the scope of an individual development project to fund independently, the Project should contribute its fair share towards these improvements since it will contribute to the adverse effects.

Event Center: More information should be provided with respect to the proposed event center. Although 70 percent of attendees are assumed to already be onsite, up to 600 attendees per event are projected to travel from out of the Project area as discussed above. It is not clear whether the DEIR analyzed their impacts on traffic and transit. This should be clarified, and the analyses of their impacts on traffic congestion and transit must be undertaken if not already included.

Growth reallocation inconsistencies: Page 42 of Appendix J2 states that, in addition to the 5,575 housing units and 6.3 million square feet of commercial/office uses to be reallocated for the Project, there would also be 469,000 gross square feet of retail uses

and 1,100 hotel rooms from other General Plan growth areas outside of Downtown reallocated to the Diridon Station Area Plan (DSAP). Elsewhere the DEIR states that there is already sufficient retail and hotel use availability for the Project such that reallocation of retail and hotel uses is not necessary. Thus, the statement that 469,000 gross square feet of retail uses and 1,100 hotel rooms will be reallocated to the DSAP is inconsistent with the rest of the DEIR. The FEIR must resolve this internal inconsistency.

Santana West Settlement Agreement Compliance

The DEIR does not address the need for the Google Project to comply with the Santana West Settlement Agreement (Settlement Agreement). Per the terms of the Settlement Agreement, any impacts found at protected intersections, including Winchester Boulevard/Stevens Creek Boulevard, which will impact traffic in the City of Santa Clara, will require payment of fees to be used for transportation system improvements to alleviate the increased traffic congestion in the City of Santa Clara. San José must analyze impacts to the protected intersections and provide a clear explanation of how such impacts are analyzed and how traffic fees are calculated. Additionally, any offsetting improvements should be identified with specificity and be coordinated with the City of Santa Clara. Further, the secondary impacts of implementing these improvements should be identified. Due the magnitude of the Google Project, please indicate whether the project complies with the Santana West Settlement Agreement.

2. Population and Housing

With respect to affordable housing, the Notice of Preparation stated “[t]he project sponsor intends to meet the project’s affordable housing obligations as set forth in the Memorandum of Understanding and through compliance with the city’s Inclusionary Housing ordinance.” The DEIR also states: “As part of the project’s residential uses, affordable housing is planned to be delivered consistent with the MOU, which states that the Project applicant and the City of San José ‘as a goal but not a requirement, strive for 25 percent of the housing developed in the Diridon Station Area to be affordable housing with a mix of affordability levels ...’” (DEIR, p. 2-14.) However, neither provides any clarity regarding whether any affordable housing will definitively be included as part of the Project. The MOU is non-binding and, as stated, only provides a *goal* with respect to affordable housing. The City of Santa Clara reiterates its request that the Google Project meet its affordable housing requirement fully and that this be included as an enforceable requirement in the FEIR.

3. Population & Housing/Land Use – Consistency with Plans/Policies

Our NOP letter asked that “the EIR include robust discussion and analysis of the Google Project’s impacts on the assumptions made in other planning documents, including the

Downtown Strategy and the North San Jose Development Policy.” The DEIR shows that with the General Plan amendment, the growth will fit within the Downtown Strategy, but it does not discuss impacts, if any, to the North San Jose Development Policy. Please address whether the North San Jose Development Policy will be affected by the Google Project.

4. Scope of Incentives

Based on the draft MOU between San José and the Project applicant, it appears that San José represents it will require Google to fully pay all applicable fees, charges, and taxes in accordance with standard payment requirements and that no city funds are to be expended on the Google Project. However, the MOU is nonbinding, and the DEIR does not confirm that San José is not providing direct or indirect incentives. This should either be confirmed in the FEIR, or the FEIR should include a transparent discussion regarding the scope of any direct or indirect incentives provided to the Project applicant by San José.

* * * * *

On behalf of the City of Santa Clara, we appreciate the opportunity to comment on the DEIR for the Google Project.

Sincerely,



Andrew Crabtree
Director of Community Development

cc: Brian Doyle, City Attorney, City of Santa Clara
Deanna Santana, City Manager, City of Santa Clara
Manuel Pineda, Assistant City Manager, City of Santa Clara