

From: [Hill, Shannon](#)
To: [Hillary Gitelman](#); [Karl Heisler](#); [Linda S. Peters](#)
Cc: [Downtown West Project](#); [Keyon, David](#)
Subject: FW: Google Draft EIR Comments
Date: Tuesday, December 8, 2020 7:59:47 PM
Attachments: [Google EIR Report Comment Letter.pdf](#)

Please refer to the attached comment letter from Silicon Valley De-Bug et al.

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: De-Bug Housing <housing@siliconvalleydebug.org>
Sent: Tuesday, December 8, 2020 3:47 PM
To: Hill, Shannon <Shannon.Hill@sanjoseca.gov>
Subject: Google Draft EIR Comments

[External Email]

For your consideration on behalf of

Silicon Valley De-Bug
Affordable Housing Network
Serve the People San Jose
Showing Up For Racial Justice (SURJ) at Sacred Heart
South Bay Community Land Trust

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December 07, 2020

Shannon Hill, Environmental Project Manager
City of San Jose
200 E. Santa Clara St
San Jose, CA 95113

RE: Downtown West Mixed-Use Plan (Google Project) GP19-009, PDC19-039, and PD19-029

Dear Shannon Hill,

We write to you from grassroots organizations including **Silicon Valley De-Bug**, a longstanding community organization who has worked with communities that face multiple barriers to full inclusion, families impacted by the criminal justice system and a community that has demonstrated a commitment to work together to collectively improve our lives and continue building San Jose; the **Affordable Housing Network of Santa Clara County**, formed in 1987 with the goal of expanding the supply of housing affordable to low-income families and individuals, and organizing the people in need of affordable housing to advocate on their own behalf; **Serve the People San Jose** organizing against the displacement of San Jose communities; **Showing Up for Racial Justice at Sacred Heart**, a group of mobilizing white people to be in solidarity with our brown and black brothers and sisters, and working to end racism and discrimination throughout Silicon Valley; and, the **South Bay Community Land Trust** with a mission to acquire and steward land in trust for the permanent benefit of low income communities in San Jose.

In particular, Silicon Valley De-Bug is located northwest of the Project Site, behind The SAP center along Lenzen Ave. On account of this, our immediate community and extended community will receive a notable impact from the long term construction and subsequent massive changes to the physical environment caused by the project's operation. For these reasons, we present our comments with the well being of our pre-existing communities in mind. Our collective of community organizations want to ensure that the project conscientiously evaluates its potential environmental impacts to our community and, in good faith, questions the general extractive nature of large scale tech projects to our communities. Once the transformation begins, we cannot retrieve the past in which this project will build over.

We also approached this project's proposal through the lens of the extraordinary circumstances caused by the COVID-19 Pandemic. The pandemic has left the future beyond calculable

projections. There is no doubt that the pandemic will have long term impacts on our local economy and the structure of our social worlds. Since this draft was created before and used data from years previous to this pandemic, and the baseline information from 2019 -- of which the ensuing Draft EIR is based on -- is outdated, we believe that said proposal is inadequate, irrelevant, and requires a more thorough updated evaluation after the pandemic recovery period. We urge the City to immediately halt the EIR process and require the project applicant to start over. The proposal states itself many times that it is "too early to determine the overall effect of the COVID-19 pandemic", and through these lenses, we submit the following comments:

Covid Impact Reassessment

COVID-19 has affected many aspects of this project and without more of an analysis in this report it would not be accurately representing the current reality for San Jose residents. This "Environmental Impact Report" is supposed to focus on the environment and COVID-19 has in fact been involved in changing the city's carbon footprint. Many cities saw clearer skies and other dramatic air quality improvements, leading to the appearance that the pandemic may have a slight positive change in the environment. However this would only be possible if there was a continual reversal in the environmental impacts that would slow down construction, and pollution. However since large projects such as this one are continuing and not taking COVID-19 into consideration there is no room to consider how San Jose's environment can be improved. It is likely that other projects in the city will be buying and building to make up for lost time and create a negative environmental impact. In addition to the climate effects that will come out of this, another long term consequence that has already been plain to see is the effects COVID-19 has had on housing.

Additionally, since the research and studies for the report were conducted prior to the outbreak of COVID-19, there are significant gaps that need to be addressed. For example, as there is the expectation that employees work from home to avoid unnecessary exposure to the virus, the amount and configuration of office space must be re-evaluated. In contrast to the Google employees who are able to work from home, we see no assessment of the possible impact on the vast amount of construction-related workers who will build these buildings nor how that will impact the growing amount of COVID-19 cases in San Jose and Santa Clara County. Additionally, since there are greater demands to reduce housing density, the apartment-style living that the housing units are designed need to be reconfigured as well. The Google project as a whole needs to be entirely rethought to account for these changes in how we can safely be in proximity with each other, particularly with regard to indoor spaces. The project as it is currently designed simply does not provide a safe or feasible style of living or working. We recommend doing a complete overhaul of the research and studies that have already been done, to account for the dramatic changes brought on by COVID-19. Anything short of that is simply irresponsible.

Project Impact on Housing Affordability

Pursuing the effects on affordable housing by the planned development, we seek a more in-depth investigation of housing affordability and the health/environmental risks caused by the

displacement of current housed and unhoused residents. Though the report claims not to be responsible for socio-economic projections, it cannot be denied that they are inseparable from the environmental impact of increased population injections. A project like this would exacerbate the already lacking, affordable housing in the South Bay with speculated rippling effects on other city sectors. The decreased affordable housing would negatively impact the service economy, whose wages will not increase with the development but will cause displacement due to housing market adjustments; All boats will not rise with the tide. Pushed out residents will likely search for more affordable housing in the Central Valley, as they have been forced to do in the past due to similar developments. In turn, this migration will have increased commuting that will not utilize the built train transportation adding heavy traffic congestion, air pollution, and latent environmental risks.

Let's look at the rising costs of housing and the subsequent displacement of East Palo Alto residents after the expansion of the Facebook campus. We can see that a job nexus analysis does not adequately account for the rising rents accompanying tech industrial developments in the region and how those higher wages do not reach most service workers. With COVID-19 as an immediate risk for the non-working and working population, housing has become of utmost importance for public health. Without stable housing, residents are not able to isolate or social distance as County health orders require us to do further jeopardizing the accumulative safety of San Jose and Santa Clara County. Already with the COVID-19 pandemic, we see that this report is now outdated and skewed because it does not include the considerable shifting effects of COVID-19 in its analysis. For this reason, it would be irresponsible of the city to accept this report's evaluation of population and housing as is, for it is now incomplete and inadequate. The effects of the COVID-19 pandemic on housing cannot be underestimated. The development should further investigate the changes COVID-19 will have on the proposed high density living communities and the inevitable impact of displaced populations on the environment caused by such a large project, which may come to find an impasse due to its anthropogenic hazards.

Avoiding the question of the inevitable displacement of communities of color as a result of the building of the Google project is highly irresponsible. The Draft EIR makes a very convenient argument throughout the "Indirect Displacement" section of 3.11: Population and Housing, that a single project cannot be responsible for displacement of communities of color. This convenience shirks the Google project of assuming responsibility for the indirect effects of this project. This section poses a distinct contrast from language in other places related to the project that emphasize functions of the project that go far beyond what a single building can do: "Places are about people and connections between them. We want to contribute to vibrant places that promote well-being, inclusion, and interconnectivity."

(<https://realestate.withgoogle.com/sanjose/>) Clearly, the project permits itself to pick and choose when it decides to limit its scope to a being a single project, and when it expands to be a transformative movement for the entire community. That choice clearly occurs when it portrays the project as bringing a net good to the San Jose community, and not when it leads to displacement or gentrification. Particularly at a time when communities of color are not only facing the brunt of the economic downfall of the COVID-19 pandemic, but are also on the verge of a massive wave of evictions, anything can push families over the edge, rendering many potentially houseless. Denying that this Google project would have any relation to mass evictions

in San Jose is plainly irresponsible. History has shown that the footprint of big tech companies has led to massive amounts of displacement throughout the Bay Area. Our own experiences show that too. Considering displacement to be an indirect result of the project shows a shamefully shortsighted understanding of causation and correlation.

Effects of Higher Income Jobs

The Draft EIR gave an estimated amount of jobs but not by type. In a previous letter we submitted in 2019, we asked that the EIR account for the nexus between higher income Google employees and the subsequent multiplier effect those jobs have on lower income service sector job generation, however this was not included in the jobs portion of the report. The report does not account for creating safe working practices necessary for highly contagious pandemics like COVID-19 or ones that could occur in the future. If Google employees are on the campus for work, they risk the spreading COVID in the workplace and in the surrounding areas. However, if Google employees are working remotely and a large number of the buildings go unused, we believe this is a waste of space considering what other resources could have been provided with the land. When any developer comes and builds upon land, we want to know if they will truly benefit the community, or if the benefits will only go to a few. It is hard to trust that the jobs created by Google will go to the community of San Jose that have a deep connection to their homes and community. Over the years more tech companies and developers have come in and taken over space to accommodate individuals wanting to get a job in the tech industry, changing the landscape of San Jose which is unrecognizable and unaffordable to its long time residents. Another concern is that Google has had a severe lack of diversity in the hiring process which is very discouraging considering the goal for this project is supposed to be “inclusive to all communities.”

Since there is no clear categorization of the jobs in this report, it is hard to believe that jobs will be a long term benefit for this project. The construction jobs might be temporary, and the report and supporting documents provide no way to ensure the higher paid and longer term jobs will be sourced in San Jose. The EIR dismisses the Law Foundation’s comment voicing concerns to this job sourcing matter and stated, “in fact many Google employees are already residents of the county.” Unfortunately, there was no proof or numbers given about the number of employees who are already local county residents. Instead of addressing the legitimate concerns introduced by the public comment provided by the Law Foundation of Silicon Valley in 2019, the EIR spends multiple pages rationalizing why the question sits beyond the scope of the EIR, and beyond the scope of the Google project as a whole. Therefore, since this is not a legitimate claim, there still needs to be analysis done on the effects of the project on higher income jobs for non-tech workers, the increased housing costs of the area and the possible displacement that will occur outside of the border of the project. The indirect effects are just as significant to the project’s feasibility as the direct ones.

Impacts of Estimated Space Use

To state that the proposed plans are simply unavoidable is inconsistent with existing land use plans, policies, and regulations creating a false dichotomy. If the effects on the open space and

land use are significant and unavoidable only if the project continues unfettered, we strongly call for a halting of said project. The request to have the 81-acre project re-zoned to planned development mutes all the existing land use plans, policies, and regulations set by Plan Bay Area, the Santa Clara County CLUP, the Santa Clara Valley Habitat Plan, the General Plan, Downtown Strategy 2040, the DSAP, and the existing Zoning Ordinances. These are set in place to preserve and protect space, not to be overlooked as “inconsistencies.”

As for the proposed street network changes, it is unclear how the restructuring will better navigate traffic congestion around one of our few large scale entertainment venues, The SAP Center, and close a direct corridor from Santa Clara Street to the 87 freeway entrance. The networks suggest removing or co-opting existing streets to become private roads. This proposal, along with the vague Public Park developments, needs to be more adequately reviewed within the request to ensure that the existing balance between green space and local traffic holds more public value than private roads and plazas do. We have houseless neighbors that live within the project areas, and we are concerned about how increased privatized zones will balloon houseless criminalization. How much of the small percentage of “open space” will be land designated for “private recreation”. It is worrisome how much this land-use proposal gives considerable discretionary control to Google and the successive owners.

Surveillance and Policing

The absence of any discussion in the EIR or supporting documents about the surveillance and policing apparatus that will be implemented in the project is highly concerning. The project offers the guise of being a publicly accessible place, complete with a network of parks, plazas, and greenspace. The reality of these spaces, however, is that they are not true public spaces owned and operated by the City of San Jose. Rather, they will be privately owned public spaces. Although they are seemingly accessible to members of the public and have the look and feel of public land, these sites are not subject to ordinary local authority bylaws but rather governed by restrictions drawn up by the landowner and usually enforced by private security companies. With this being true, and with reports of private security and increased surveillance in these sorts of areas in cities around the world, it is likely that Google will be treating the parks, plazas, and greenspaces similarly. When private security, or even public/private partnerships between private security and the San Jose Police Department will enforce a code of conduct in these spaces, Black and Brown folks will be targeted at a higher rate than other users of the space. This is known given our past experiences, and given the most recent movement of protests against police brutality, including locally. Again, we see the land, environment, and the people on it as inseparable and how Google plans to police the area, whether privately or with the publicly funded San Jose Police Department, that needs to be addressed as part of the environmental impact of the area. Additionally, surveillance technologies including facial recognition cameras, license plate readers, stingray towers, and other structures will likely be used to contribute to this further unaccountable system of policing. We as a community are extremely wary of the methods Google and other private companies will implement to secure their spaces. A silence in planning and documentation around the matter legitimizes our concern. In a following report, there should be an opacity to the plans that Google aims to implement regarding the policing and

surveillance of the project as a whole, including the privately owned public spaces that the project touts.

Project Impact on Traffic and Transit

The DEIR states that the plan aims to increase transit options, with an increase in peak-hour Caltrains from 5 to 6 trains and increase in capacity by more than 30 percent. We know that where there is an increase in public transit there is also an increase in traffic. Although there are more options for public transit, people also drive their cars to the train station to board public transit. It is also common for people to use public transit, then take an Uber or Lyft to where they need to go. It is naive for the report to assume that the “increases [in traffic] would be minimal because as the distance from the project site grows, the increasing number of possible travel routes for people traveling to and from the project site would result in a dispersion of trips.” Anybody who has lived and worked in this area, like we have, knows the overwhelming amount of traffic during rush hour that occurs in the surrounding area of this proposed project from Alameda Street and Stockton Ave to Santa Clara Street and 1st street to the 280 freeway and 87 freeway. This traffic is multiplied tenfold when there are the frequently occurring events at the SAP Center with San Jose Sharks games, live events etc. Again, this bumper to bumper traffic that we already have here is *before* the proposed construction of the Google project. The proposed transformation of part of Delmas Ave to a private lane alone is raised for concern as Delmas Ave is an entrance to the 87 South Freeway, one of the most congested freeways in the area during rush hour. For the report to state increases in traffic would be “minimal” suggests that the evaluation was not done by people who live and work in this area.

Furthermore, an increase in activity in transit also means an increase in people in one concentrated area, in this case, the train station. How does the report account for the increase in litter and waste that will come with the increase of activity? These might seem like mundane things to consider, but are central to any space where there is an increase in human activity. This needs to be considered when evaluating the environmental effects.

We cannot ignore that locally we are back to the purple tier of our public health emergency. We cannot assume that things will go back to normal or to what we once knew. If transit is supposed to increase its capacity by 30%, how does this consider potential distancing guidelines that may still be in place due to COVID-19? We urge that this be considered when analyzing public transit.

Health Impact Assessment

In our previous letter, we urged the City to include a health impact assessment that looks comprehensively at health impacts of the Project. The DEIR is inadequate in its analysis of the health impacts of the Project because:

- Outdated baseline information given the pandemic.
- Limited scope of analysis in the population to whom the health impacts would apply to.

Outdated Baseline Information

While the DEIR notes that the baseline information produced in October 2019 does not include COVID-19 and notes that long-term effects of the pandemic cannot be identified at this time, it would then be irresponsible for the City of San Jose to move forward with a project design based on those two factors -- an outdated baseline information and unknown effects of one of the biggest pandemics that hit our lifetime.

It is flawed to use the growth assumptions from October 2019 baseline information because the project was designed with an increase of 20,000 jobs, high density office areas, and structures that exceed height limits. Of course, no one could have predicted the pandemic and its effects that have shut down and shifted the way we live, work, and play. With an increased mandate to work from home, it is unknown at this time how Google will change their workplace conditions. We do not want to build a massive campus that ends up empty with no use. One doesn't have to travel far to see the effects of empty tech campuses because of the pandemic.

In Section 3.01 Air Quality, the baseline numbers used reflect 2014 - 2018, arguably with peak traffic and construction. Given the pandemic and the economic shutdown, especially the stoppage of construction in the downtown San Jose area which exacerbates air quality with dust and traffic, the levels of air quality should be re-measured. In addition, with the numerous California fires this year, it is unknown what the longterm effects are of the fires to our regional air quality. These effects should also be taken into consideration.

In their comments on the NOP, the BAAQMD already notes that the City of San Jose is “cumulatively impacted with air pollution, which makes additional air pollution a potentially significant localized impact.” The report notes that ‘cumulative impact’ was analyzed from various agencies, and that the Bay Area Quality Management District is currently developing new guidelines. For example, the BAAQMD’s Clean Air Plan was based in 2017. At the very least, the City of San Jose should delay the process to base analysis on these new guidelines.

Limited scope of analysis in the population to whom the health impacts would apply.

The Draft EIR assumes that “construction activities would occur over 11 years total, which is the fastest potential period over which the proposed project could be constructed.”

Even the conservative estimate of 11 years of construction is frightening - that the downtown area of the City of San Jose would be subjected to increased impacts in air quality without proper analysis of the COVID pandemic is irresponsible. Those jobs in particular are also filled largely by people of color - who already are disproportionately affected by COVID-19.

Furthermore, the Draft EIR doesn't consider workers or homeless individuals as sensitive receptors, and were not included in the analysis of health impacts.

This analysis also specifically writes that:

- Workers are not considered sensitive receptors because they have other legal protections, including regulations set forth by the Occupational Safety and Health Administration. These protections guarantee the health and safety of workers; therefore, potential worker health risks are not evaluated in the HRA, per the BAAQMD CEQA Guidelines. 124

However, in our current COVID-19 pandemic world, construction workers are deemed a certain level of essential - and to protect them, they should be considered as sensitive receptors to be evaluated on -- especially because it will take 11 years of construction.

The analysis further writes:

- Homeless individuals also not considered sensitive receptors - Homeless individuals who may be temporarily living in the project area were also not considered sensitive receptors for the purposes of this analysis. Because their locations are not known, it would be speculative to assume the long-term presence of individual homeless receptors at any given location in the modeling domain. In addition, cancer risk is evaluated over a lifetime exposure of 30 years, and it is unlikely that any homeless individual would remain present near the project site for a full 30 years.

However, the report includes residents, stating:

- Thus, the air pollutant exposure to residents typically results in the greatest adverse health outcome for all population groups. It also represents a highly conservative assessment, as the typical resident spends time away from the residence.

Again - in a COVID-19 world, that is not the case. People in the Google project area are working from home, going to school from home. These are families. What then is the exposure to these residents? At the very least, this report is incomplete as it doesn't take into account the COVID-19 reality. While the report says it refers to COVID-19 for informational purposes, it is only when it is convenient and serves the interest of moving the Google project forward.

We urge the City to include a health impact assessment on construction workers, homeless individuals and residents who are working from home. Excluding them from the 'sensitive receptor' analysis is irresponsible.

Carbon Footprint

While the proposed current Draft EIR aims at giving the audience a better understanding of environmental impacts in connection with climate change the lingering sentiment is that The Project will have a bigger localized impact that would affect the City of San Jose in disproportionate ways. The DEIR outlines ways in which California has moved towards being more environmentally conscious and extensively outlines how The Project aims to be aligned

with the new regulations. The truth of the matter is that The Project has failed to do an analysis of the totality of circumstances that would affect the City of San Jose and the carbon footprint that it is leaving behind.

One of the main sources of CO₂ gas emissions is vehicle pollution. It is estimated that about 40 percent of The Project will be dedicated to parking allocation. There are issues with how this significant part of the Project will feed into greenhouse gases that will be detrimental to our environment. This means that new parking structures will be built which in correlation vehicles will be parked there. It goes like the saying 'If you build it they will come'. It is estimated that over 100,000 metric tons of carbon dioxide will be released into the environment due to the change in vehicle population. Again, this is just an estimate because we cannot adequately predict the amount of vehicle usage in The Project. As much as we want to foresee alternatives to vehicle usage the reality is that people will use their own vehicles if given the opportunity for commodity. And although the attempts are to house workers close enough to not have to use their vehicles, you cannot discount the amount of employees who will still be traveling to, from, and in between work. Remember this is a highly concentrated area of about 2 miles where CO₂ emissions can haphazardly affect the population of San Jose. Vehicle pollution is a highly sensitive subject because it's the leading cause of exceeding CO₂ emissions which take part in increasing climate change consequences on our environment. California alone is estimated to rise in temperatures between 5 to 9 degrees by 2040. This Project alone can be the leading cause of increasing those temperatures.

In addition to the negative environmental effects that CO₂ emissions cause, CO₂ emissions in high amounts can be detrimental to human health and can lead to cardiac challenges and increased respiratory rate. Given that COVID-19 is a virus that attacks the respiratory tract, this needs to be considered and re-evaluated.

Analysis through a Racial Equity Lens

With the newly formed Office of Racial Equity, the City should direct the Office to provide an analysis of the impact of the Google project with a racial equity lens.

View Equity Impact

A crucial objective and aim of the Project should be to consider the view equity of the existing residents of downtown San Jose. The current project is currently being considered to be one and two-story buildings with certain areas allocated for high rise buildings. Both of these two types of building should consider view equity within the design. When we mention view equity we mean two things: the view accessible to current downtown residents - how it would be obstructed or eliminated- and the type of view they will be subjected to. With these two frames in mind we write to urge the appraisal of the view equity for residents.

Current residents shouldn't be subject to change their view choices for the proposed Project. Existing residents would have to accommodate and live with any view obstructions built by The Project. It is not an action that they willingly agreed to. It is one thing to move to a building

where you know you have no view equity and it is something completely different when the building moves in front of your field of sight to obstruct your view.

According to the proposed Project, many of the rooftops of one and two story buildings could become parking structures. To be subject to change your view to constantly observe the movement of vehicles jeopardizes the view equity of current downtown residents. Although the Project proposes 'green spaces' for recreational use of employees and pedestrians, not every current downtown resident will have access to this view, if any. Since many of the 'green spaces' are allocated for higher foot traffic it's not a guarantee that current residents will be compensated with these views. Lastly, a final process to the County has not been submitted on how the Project proposes to increase 'green space' to existing trails nearby the Project. It is also not a guarantee that the new 'green spaces' will be accessible to all of San Jose residents.

Project Alternatives

With the limited scope of the project alternatives, we are alarmed by the several **significant and unavoidable impacts of the proposed Google Project** to our local and regional air quality, health risks, cultural and historic resources, land use, population and housing. Unsurprisingly, other alternatives analyzed all report less impacts with mitigation measures. However, they are not enough. Even the No Project Alternative/ DSAP that is described to have the least amount of impact to our environment still has major impact and is limited in its analysis because there is no health impact assessment associated with it.

The bigger issue is that the given assumptions of the proposed Google project objectives, the December 2018 MOU, and the City's General Plan were all developed before the COVID-19 pandemic. Therefore, it excludes and could not possibly take into account the impact the pandemic has or will have on the way we work, live, and play. Because of that, the 'no project alternative' should be given serious consideration, and we urge the City of San Jose to revisit the General Plan to take into account the effects of the COVID-19 pandemic in the City's development plans.

We urge you to take our comments into serious consideration and re-evaluate the Google Project. If all of the above considerations are meaningfully factored into the plans, we expect the project to be discontinued entirely. The current Draft EIR of the Google project shows to have significant impacts that will harm the environment, our residents, and displace our communities. What is even more compelling, however, is that the Google project and any further analysis (NOP, Draft EIR, etc) does not include the impacts of COVID-19, and any further development should be at the very least halted in light of one of the most historic pandemics that has affected our lifetime. Anything short is irresponsible.

Sincerely,

Silicon Valley De-Bug
Affordable Housing Network

Serve the People San Jose
Showing Up For Racial Justice (SURJ) at Sacred Heart
South Bay Community Land Trust