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To: [Ramos, Christina M](#); [Tran, David](#)
Subject: Item 4.1 (12/17) Transparency on HR&A contract/results re Google Community Benefits Plan
Date: Friday, December 13, 2019 2:07:35 PM

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Christina and David:

Greetings! Who on your team is working on Item 4.1 for 12/17 mtg? Let me know so I can followup.

The analysis the City is commissioning HR&A to produce (and adding \$135K in an amendment to contract on 12/17—a total contract of \$425K) is a key input into the City's negotiations with Google over the Community Benefit Plan and so far in the City's recent info memos on the City's process for developing the development agreement they have not committed to make this HR&A analysis public or to share it with Council or members of the Station Area Advisory Group in a timely manner.

The Community Benefits Plan (in addition the potential Commercial Linkage Fee and contributions under the Inclusionary Housing Ordinance) is one of the most important pieces in the City's Development Agreement negotiations with Google in terms of providing potential resources to produce or preserve affordable housing, which have continued to be the public's top priority in the public engagement process. With so many interests at play (parks, transportation, open space, education/training) the scope of Community Benefits Plan is certainly important. We have really appreciated Councilmember Peralez's role in ensuring the public has a role in deciding the Community Benefits Plan back during the land sale vote. Now this issue around the HR&A analysis is critical to allowing the SAAG, public and the Council to shape these negotiations.

Without the public being able to read HR&A's analysis on the financial value of upzoning and other Council decisions benefiting Google, it will be difficult for anyone without access to this information to shape the specifics of the Community Benefits Plan. By keeping this information behind closed doors as negotiations continue, it will be hard to see how the community can understand the potential scope of the Community Benefits Plan to then play an informed role of providing input. Its also not clear how and when they will share this information with Councilmembers who have significant interest in ensuring the final Community Benefits Plan meets the needs of the community.

Additionally, it will be important for Council to understand what policy decisions are considered as a part of this analysis. If HR&A's analysis does not capture all of the decisions made by Council which provide a financial benefit to Google and the lands it owns, in line with what Google agreed to in its MOU with the City, the results of the analysis may undershoot the true value to Google of these changes, which could lead to the public being shortchanged. Because of this, it is troubling that item 4.1 is requesting significant additional resources, yet the scope of what, how and when HR&A is conducting this analysis is not presented in the item.

We believe a transparent process can help to produce a robust Community Benefits Plan focused on protecting our most vulnerable, and give the public a better shot at pushing for significant investments preventing displacement.

In my conversations with OED staff they have confirmed that they do not plan to make information in the HR&A study public before proceeding with negotiating Community Benefits with Google. Without the public and Council being able to understand what the results of that analysis looks like (and to ensure the staff is developing a sufficient scope of the analysis) it will be difficult to direct staff to negotiate a Community Benefits Plan that meets the needs of the public, particularly in meeting the City's commitments to make significant efforts to fight displacement.

WPUSA's recent experience also suggests that even if a member of the public were to request records related to HR&A's work under the Public Records Act, its unlikely staff would share this analysis until very late in the process, perhaps until after Council has made its decisions. In fact of the documents WPUSA sued the City to obtain many of the documents the Superior Court allowed the City to withhold pertained to OED and the Mayor's communications around community benefits. The City Attorney used the "public interest in the negotiations with Google" around the scope and contents of a community benefits plan as an argument before the Superior Court for keeping communications between the Mayor and Kim Walesh and Nancy Klein, our lead negotiators with Google, private.

Its hard to see how keeping this information private bolsters the the City hand at the negotiating table given the strong public interest in a robust community benefit package. I would think the public seeing this information would encourage more public discussion of the importance of community benefits and strengthen the City's position to push for more benefits. For reference, in North Bayshore, Mountain View had a detailed public process around discussion of the financial value of upzoning and the design of community benefits around providing additional office and housing capacity and other planning/zoning changes, and after that process in 2015, Google offered the equivalent of \$60 for every sq ft of planned office development. That would be the equivalent of \$420M in the San Jose example! Diridon is certainly a different context (with even more public investment) but still the public involvement is important.

Since the staff is asking for an amendment to their agreement with HR&A it seems important that the Council and the public should be able to see the methods and results of this analysis in a timely manner.

Optimally it would make sense for Council to direct the staff provide 1) an info memo on the scope of the analysis, 2) a timeline for completing the analysis and 3) come back to Council to discuss the results during an open Council Meeting to give directions on the Community Benefits Plan negotiations sometime before the April study session (given the amount of content at that meeting.)

If that were not possible, at a minimum requesting for a timeline and an info memo with the results of the HR&A analysis preceeding the April 2020 Google development Study Session seems important.

Let me know if you think this might be of interest for a memo.

Thanks,
Jeffrey

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