

**From:** [Klein, Nanci](#)  
**To:** [Downtown West Project](#)  
**Subject:** Fw: Language Re: AB900 from August 19, 2019 Info Memo  
**Date:** Wednesday, September 9, 2020 11:53:49 AM

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Hello,

This is a public email from Nanci Klein.

Thanks, Tara

## **Nanci Klein**

Director of Economic Development| Director of Real Estate  
City of San Jose  
(408) 507-0430 - cell

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**From:** Walesh, Kim <Kim.Walesh@sanjoseca.gov>  
**Sent:** Wednesday, September 2, 2020 3:57 PM  
**To:** Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Hughey, Rosalynn <Rosalynn.Hughey@sanjoseca.gov>; Severino, Lori <Lori.Severino@sanjoseca.gov>; Kline, Kelly <Kelly.Kline@sanjoseca.gov>; Wilcox, Leland <Leland.Wilcox@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Sykes, Dave <Dave.Sykes@sanjoseca.gov>; Green, Scott <scott.green@sanjoseca.gov>; Devalcourt, Joel <Joel.Devalcourt@sanjoseca.gov>  
**Subject:** Language Re: AB900 from August 19, 2019 Info Memo

Here is the language we developed a year ago (8.19.19 Info Memo) to explain why Google's participation in AB900 was also in the public interest—a) to avoid delays in the community receiving the benefits of the project and b) to avoid complications with the other Station Area planning elements (new station design, BART construction, etc.) if CEQA lawsuits get strung out over many years.

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### *"AB 900 State Application*

Google has informed the City of its intention to apply to the State to participate in the AB 900 program (Jobs and Economic Improvement through Environmental Leadership Act). AB 900 was adopted by the State Legislature in 2011 (codified in California Public Resources Code Sections 21178-21189.3) to encourage large development projects that create jobs and meet a high standard of public benefits by streamlining the judicial review process under the California Environmental Quality Act (CEQA).

For development projects to qualify for AB 900, they must be large, privately financed projects that create significant numbers of construction jobs and permanent jobs, pay prevailing wages, and meet high-threshold State environmental requirements (e.g., innovative measures to significantly reduce traffic, air quality, and other important environmental impacts, and full mitigation of greenhouse gas emissions). Seventeen significant California projects have utilized this program, including the

Warriors Stadium, Apple Campus, and Inglewood Basketball and Entertainment Center.

AB 900 facilitates timely delivery of project benefits to the community by streamlining CEQA and project approval litigations. Under AB 900, any legal challenges get filed in the Court of Appeal, and **the Court issues its decision within nine months** to the extent feasible.

In San José, the benefits of timely development in the Diridon Station Area include: affordable housing, open space and infrastructure improvements, construction and permanent jobs, green building in support of Climate Smart, property tax revenue, public amenities, and Community Benefit funds for anti-displacement, job training, and other community-identified priorities. In addition, prolonged uncertainty (2, 5, 10 years) regarding the start of Google-related construction would significantly complicate coordinated planning for BART, rail, and station construction, and the integration needed between the new transportation infrastructure and Google's mixed-use development for a good customer experience. "Timely implementation" was identified as a shared goal in the City's MOU with Google in order to maximize integration with planned transit projects and achieve the benefits of implementing the Diridon Station Area Plan.

The AB900 program does not affect requirements for the environmental impact analysis or reduce requirements for public engagement under CEQA; in fact, the program comes with enhanced transparency requirements for timely posting of all documents and materials related to the project EIR on a public website once the draft EIR is circulated for public review.

Streamlining under AB 900 applies only if the Governor approves program eligibility by January 1, 2020 and the City Council considers and takes action on the Google mixed-use development project application, including the Environmental Impact Report (EIR) and entitlements, by January 1, 2021. "



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**Kim Walesh** | Deputy City Manager

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