From Severino, Lori

Subject: Date: SAAG UPDATE: PC + CC Meetings, Comment Form and CEQA Thursday, May 6, 2021 3:33:35 PM

[External Email]

Hi SAAG members

You may have heard that on April 28th, the Planning Commission unanimously approved staff's recommendations that the City Council approve the Downtown West project and Amended Diridon Station Area Plan (DSAP). Next, staff will take these items, along with the Diridon Affordable Housing Implementation Plan (AHIP), to City Council for consideration on Tuesday, May 25th

We are closing the comment forms for the Development Agreement on Monday, May 10, at 9:00 AM. Please encourage your networks to submit comments through this form if they haven't already. Emailing a comment letter on the DA to Lori Severino is also welcome. The public may submit comments on any of the three projects to city.clerk@sanjoseca.gov prior to the City Council hearing.

Also see below for a CEQA notice related to the Amended DSAP

#### Resources:

- · Responses to Frequently-Asked Questions on the Downtown West Project (April 2021)
- Draft Notes from the April 14th Station Area Advisory Group (SAAG) Meeting
- April 28th Planning Commission materials

Please let us know if you have any questions.

Thanks!

Dave and Lori

#### Notice of CEQA Posting:

#### Diridon Station Area Plan (DSAP) Amendment

#### Draft Initial Study/Addendum to the Downtown Strategy 2040 EIR

#### **Errata and Response to Comments**

The Errata (text revisions) to the Draft Initial Study/Addendum to the Downtown Strategy 2040 EIR (Initial Study/Addendum) and responses to comments for the proposed Diridon Station Area Plan (DSAP) Amendment (File Nos. GP20-007 and PP19-082) is available at the following link: https://www.sanjoseca.gov/your-government/departmentsoffices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/diridon-station-area-plan-amendment.

**Project Description:** Project would amend the DSAP originally adopted by City Council in 2014. The DSAP is a sub-area of Downtown San Jose. The DSAP Amendment proposes changes to the DSAP, including increases in maximum height limits, increases in maximum development capacity, development on a site formerly proposed for a baseball stadium, an expansion of the existing DSAP boundary from approximately 250 acres to 262 acres, changes to the General Plan Land Use/Transportation Diagram, transportation network changes, changes to parks and open space, and infrastructure changes. Refer to the Initial Study/Addendum for additional information about changes proposed with the DSAP

Location: Area generally bounded by Lenzen Avenue and the Union Pacific Rail Road tracks to the north, I-280 to the south, the Guadalupe River and Delmas Avenue to the east, and Sunol Street and the Diridon Station commuter rail tracks to the west.

Assessor's Parcel Number: Multiple

#### **Upcoming Public Hearings:**

• City Council: Tuesday, May 25, 2021 at 1:30 PM (tentative)

City Council agendas and instructions are posted 10 days prior to the hearing at Commission Hearing webpage. Due to County health orders, the meeting will be held virtually via

If you have any questions, please contact the Environmental Project Manager below:

Shannon Hill

Planner, Environmental Review

Planning, Building & Code Enforcement

City of San José | 200 East Santa Clara Street

Shannon.Hill@sanjoseca.gov | (408) 535 - 7872

On Mon, Apr 19, 2021 at 6:01 PM Dave Javid <a href="mailto:dave@plantoplace.com">dave@plantoplace.com</a>> wrote:

Hi SAAG Members,

Thank you again for joining us at the SAAG meeting last week. I am forwarding on the message below about the The First Amendment to the Draft Environmental Impact Report (DEIR), including responses to comments, for the Downtown West Mixed-Use Plan. Please see the contact information below to follow up with any questions.

Thanks,

Dave

#### First Amendment to the Draft EIR

The First Amendment to the Draft Environmental Impact Report (DEIR), including responses to comments, for the Downtown West Mixed-Use Plan (File Nos. GP19-009, PDC19-039, and PD19-029) is available at the following link: <a href="https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/downtown-west-mixed-use-plan.">https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/downtown-west-mixed-use-plan.</a>

Project Description: General Plan Amendment, Planned Development Rezoning, Planned Development Permit, Vesting Tentative Map, Development Agreement and other land use related approvals for the development of up to 5,900 residential units; up to 7,300,000 gross square feet (GSF) of office space; up to 500,000 GSF of active uses such as retail, cultural, arts, etc.; up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to two event and conference centers totaling up to 100,000 GSF; up to two central utility plants totaling approximately 130,000 GSF; logistics/warehouse(s) totaling approximately 100,000 GSF; and approximately 15 acres of open space, all on approximately 80 acres. The project also proposes infrastructure, transportation, and public realm improvements. For more information on the project, please see <a href="https://www.sanjoseca.gov/googleproject">www.sanjoseca.gov/googleproject</a>.

Location: The Project site is generally bounded by Lenzen Avenue and the Union Pacific Railroad tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, South Autumn Street, and Royal Avenue to the east; Auzerais Avenue to the south; and Diridon Station and the Caltrain rail line to the west. The project also includes the area bounded by Los Gatos Creek to the west, West San Fernando Street to the south, the Guadalupe River to the east, and West Santa Clara Street to the north.

#### **Upcoming Public Hearings:**

- Planning Commission: Wednesday, April 28, 2021 at 6:30 PM
- City Council: Tuesday, May 25, 2021 at 1:30 PM (tentative)

Planning Commission agendas and instructions are listed 7 days prior to the hearing, and City Council agendas and instructions are posted 10 days prior to the hearing at Commission Hearing webpage. Due to County health orders, the meetings will be held virtually via Zoom.

If you have any questions, please contact the Environmental Project Manager below:

Shannon Hill

Planner, Environmental Review

Planning, Building & Code Enforcement

City of San José | 200 East Santa Clara Street

Shannon.Hill@sanjoseca.gov | (408) 535 - 7872

**DAVE JAVID**, AICP, LEED AP Founder + Principal

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On Fri, Apr 9, 2021 at 12:24 PM Dave Javid <a href="mailto:dave@plantoplace.com">dave@plantoplace.com</a>> wrote:

Hi SAAG members,

The draft slideshow for the April 14th meeting is now available on the SAAG page of the project website (https://www.diridonsj.org/saag). In addition, Responses to Frequently Asked Questions about the Downtown West Project (Fall 2020) will be updated soon as a resource for you.

If you have not done so already, please remember to have one representative from your organization RSVP to Tara and I by Monday, April 12th at 10:00 AM, so that we can send out the panelist links by April 13th.

Thanks,

Dave

On Wed, Apr 7, 2021 at 4:58 PM Dave Javid <a href="mailto:dave@plantoplace.com">dave@plantoplace.com</a> wrote: Hello SAAG members,

The agenda for the April 14th meeting is now available on the SAAG page.

For the meeting, we have developed a format that we think will provide all SAAG members with a fair opportunity to provide their comments. Following staff's presentation on the Draft Development Agreement, each SAAG member will be given an opportunity to provide comments and ask questions in a round robin. We will request SAAG members to limit these initial remarks to two minutes. Additional discussion will follow once all members have had an opportunity to speak. We expect significant public comment at this meeting and are planning for a full three hours.

Please have one representative from your organization RSVP to me and Tara Reid, copied here, by Monday, April 12 at 10:00AM.

We are encouraging community members to attend the Community Meeting on Saturday, April 17 at 10:00 AM as the best way to share their comments on the staff-recommended Downtown West Development Agreement. People can also learn more and submit questions and comments here: www.diridonsi.org/downtownwestda. Also linked below are flyers to help us spread the word about these opportunities:

- **English**
- Spanish
- Vietnamese

Staff will compile the feedback from both meetings and share it with the Planning Commission and City Council for their consideration. We are planning for this to be the last full SAAG meeting before the hearings on the Downtown West Project, Amended DSAP, and Diridon Affordable Housing Implementation Plan. The Planning Commission hearing is scheduled for April 28th and the City Council hearing is tentatively scheduled for May 25th.

Please let us know if you have any questions.

Thanks,

Dave

DAVE JAVID, AICP, LEED AP



On Tue, Apr 6, 2021 at 8:11 AM Dave Javid <a href="mailto:dave@plantoplace.com">dave@plantoplace.com</a>> wrote: Hi SAAG.

We are pleased to announce that we have posted the staff-recommended Draft Development Agreement for Google's Downtown West project here.

This marks a key milestone for the project, following adoption of a Memorandum of Understanding (MOU) in 2018, application submittal in 2019, and release of the Draft Environmental Impact Report (DEIR) and Downtown West Design Standards and Guidelines (DWDSG) in 2020.

The Draft Development Agreement addresses the Council's top priorities and other topics important to the SAAG and community, as expressed in 2018 and reinforced through extensive community engagement since then. It includes \$200M in community benefits and more than \$1B in project features. If approved by City Council, it will govern how Google builds its Downtown West project, including office, residential, commercial, cultural, open space, and parkland uses, and will establish a new fund to address community stabilization and opportunity pathways.

The Draft Development Agreement will be the main topic of the next SAAG meeting on April 14, 2021 at 6pm and a Community Meeting on April 17, 2021 at 10am. There will be Spanish and Vietnamese interpretation available at both meetings. Community members may also submit questions and comments through an online form. Staff will provide all comments received to the Planning Commission and City Council for consideration. The public hearing process is targeted for later this spring (tentatively April 28 and May 25 for Planning Commission and City Council respectively).

To prepare for the meeting, please review the Info Memo about the Draft Development Agreement available here. We will also send the agenda, draft slideshow, and other meeting info later this week.

Please visit diridonsi.org/downtownwestda for more information and help us spread the word about this key milestone and engagement opportunity.

Thanks,

Dave

DAVE JAVID, AICP, LEED AP

Founder + Principal



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# Diridon Station Area Advisory Group (SAAG) Draft Meeting Notes | April 14, 2021

**Date + Time** April 14, 2021 | 6:00 PM

**Location** Zoom Webinar – Virtual Meeting

Meeting
Objectives

Provide a brief update on the Diridon Station Area engagement process.
Review and discuss the staff-recommended Draft Development Agreement

for the Downtown West project.

### **AGENDA**

- 1. Welcome and Introductions
- 2. Meeting Minutes from SAAG Meeting on November 9, 2020
- 3. General Process and Community Engagement Update
- 4. Downtown West Development Agreement
- 5. Public Comment
- 6. Adjournment

### **ATTENDANCE**

**SAAG Members:** 26 of the 38 SAAG members were present at the meeting (please see the Meeting Minutes posted to the project website for the names of SAAG members that were present)

### **City Staff/Presenters:**

- Lori Severino Diridon Program Manager
- Nanci Klein Director of Economic Development
- Rosalynn Hughey Director of the Planning, Building, and Code Enforcement Department
- Robert Manford Deputy Director, Planning Building and Code Enforcement
- Tim Rood *Planning Division Manager*





- John Tu *Planner IV, Planning Division*
- Jose Ruano Planner II, DSAP Project Manager
- James Han Planner II, Planning Division
- Nicole Burnham Deputy Director of Parks, Recreation, and Neighborhood Services
- Jessica Zenk Transportation Deputy Director
- Eric Eidlin *Station Planning Manager*
- Rachel VanderVeen Deputy Director, Housing Department

### **Consultant Team:**

- Dave Javid, Paul Kronser and Suhaila Sikand (*Plan to Place*)
- Matt Raimi and Diana Benitez (Raimi + Associates)

**Public:** There were approximately 70 members of the public present at the Zoom call, or via the local public broadcasting or YouTube Live.





### **MEETING SUMMARY**

The primary agenda items were to provide a brief update on the engagement process and to review and discuss the components of the staff-recommended Draft Development Agreement for the Downtown West project. Nanci Klein welcomed everyone to the meeting and Dave Javid, from Plan to Place followed with approval of the last SAAG meeting minutes (November 9, 2020) and Agenda Overview. Staff then gave a presentation, followed by a round of comments and questions from SAAG members. Staff responded to questions and reiterated appreciation for the SAAG's time and input. The meeting ended with public comments and adjourned around 8:20pm.

The full set of meeting materials, including the agenda, presentation, video recording, draft minutes, and information distributed in advance, are available at: <a href="https://www.diridonsj.org/saag">www.diridonsj.org/saag</a>. Background information about the Development Agreement and <a href="https://www.diridonsj.org/saag">Frequently-Asked Questions about the Downtown West Project (April 2021)</a> are available at: <a href="https://www.diridonsj.org/downtownwestda">www.diridonsj.org/downtownwestda</a>.

### **SAAG Discussion**

The following summarizes the SAAG comments following the presentation. Responses to questions by City staff are represented in *italics* below.

- For years the Sharks have supported the DSAP vision and we signed a letter of intent to work towards development. We were under the assumption that the development agreement would protect parking. We have provided comments to advocate for the preservation of existing access and parking and to protect the arena during construction. None of our requests have been taken into consideration, and we feel the development should not proceed at the cost of the arena. We cannot support the project as currently proposed.
  - O Nothing has changed the fact that the Sharks are incredibly important to San Jose. Our teams have been working to find very solid ways for patrons to get in/out of the arena. We value the Sharks as partners, so we can come to a place where we will all be happy. [See the <u>Frequently-Asked Questions</u> about the Downtown West Project (April 2021) for more information].





- I appreciate the collaborative nature of this whole process and the commitment made to Transit Oriented Development (TOD). This aligns with the High Speed Rail (HSR) statewide plan to build housing around our stations. We look forward to continuing to work together to implement our project and others in the Diridon Area.
- Thank you to the Google and City staff for coming together to create a Development Agreement (DA) of this caliber. I am delighted and anxious to welcome Google and their development to my neighborhood. Google is setting a top notch standard for design, infrastructure, fee structure, and community outreach. I hope the City will require the same thoughtfulness and standard for all developers in the DSAP area. Generally, a project's feasibility is based on how strong the financial benefit is for the developer. We must remember the impact development has on our neighborhoods and ensure that high design standards are applied to the whole DSAP.
- Thank you Google for all the time spent walking the neighborhood and getting to know us as people and create an agreement that includes us in the design scheme. Hopefully other developers will be held to the same standards. I would like assurance that the community benefit funds won't get lost in the paperwork as staff and direction changes (e.g., different council members, mayor). How can we can guarantee City oversight for this fund?
  - O The DA is legally binding. There will be an annual performance review that goes to the Planning Commission. The specifics you heard are embedded in DA. You can read DA and exhibits there is an index to help you. We share your concern about oversight. We need to make sure that as staff and council changes, the DA moves forward as intended. We appreciate the comment and it will be taken to Council. There is a lot of work on Antidisplacement including City policies, eviction moratoriums, and how the stimulus fed dollars are used. There will be an intensive effort going forward for that. Staff acknowledges that this project raises all boats and expectations of what is possible in San Jose.
- I am excited to see this DA, and that the community would be the lead in Fund decision making. I am glad that the Fund is focusing on anti-displacement.
   COVID has exacerbated the existing housing deficit and disproportionately impacts low-income residents. We have seen 21% increase in the demand for our services (Law Foundation of Silicon Valley). Thank you to the City and to Google





for your hard work and looking forward to seeing this move forward!

- Thank you Google for committing to an integrated agreement. The DA offers a good start to parks and trails and I am hoping for additional money to be put toward surrounding neighborhood improvements if there isn't enough space within DSAP. I would like to ask the City to hold other developers, especially within the DSAP, to the same standards to which Google has been held, and to make sure the standards to which Google is being held are maintained, particularly for parks. Thanks to the Sharks, we really want to support them, and the surrounding neighborhood equitably, so the traffic management plan should consider impacts.
- Thank you to the City for listening and engaging in dialogue. Listening is key in this process. As we move to the next round, please involve the Community Land Trust, which supports community dialogue and empowerment. Please continue to center the voices of the people that are most impacted and draw on the living experiences of people. Those closest to the pain are closest to the solution.
- Residents are excited about this project and we have great support from City staff and the Department of Transportation. I would request that all parties consider that our impact zone extends outside of the DSAP boundary. For example, mitigating traffic intrusion issues, such as those on Laurel Grove and Bush. Let's make sure that these continue to be monitored and considered. We appreciate being heard and seeing the change occur.
- I commend Google and City Staff for their leadership and patience. This process has effectively integrated competing interests. We have supported the project from day one. This is a significant investment that will go beyond the City's benchmarks for housing and open space, and the agreement will be a paradigm for other cities. I appreciate the efforts to provide connectivity and the \$10M setaside for transportation is good. We are a business focused organization (San Jose Downtown Association), and also understand the need to include systems that support business such as housing, open space, etc. Regarding the community benefits, we think job education, training, and employment opportunities are a priority. We have 30 years of supporting small businesses in the downtown core and can be a key partner in this business stabilization endeavor. Re-training workforce will be important as well as bolstering current business operations.





- San Jose State has been downtown San Jose's largest employer and largest landowner, and the City's public university, transforming students' lives in San Jose and Silicon Valley for over 150 years. SJSU would welcome Google's presence in downtown San Jose to further transform the city into a destination where all of us can work, live, play and grow.
- I want to commend the City and Google for driving this thoughtful process; it has resulted in a vast Community Benefits package. I continue to support this TOD.
- These development standards should be the norm for the City, they are top notch. Can we get clarification on the Mayor's comments that the depot is going to be relocated? I appreciate Google's willingness to work with the broader community, which needs to encompass all areas. I look forward to the next phase of community involvement.
  - The historic depot is a gem many people love it. To date, only conceptual work has been done, which shows us that we really need to rethink if the station can operate at the level it should and if we can leave it where it is. The next step is to get into much more detail and consider options such as re-location or keeping it in place. This study has not yet been done, but will be done in the future. [Note that since the meeting, the City has worked with Caltrain to add a response to this question in the Frequently-Asked Questions for the Diridon Integrated Station Concept Plan.]
- I am excited for this agreement, and think the community benefits are well
  thought out. This proposal does a great job with community stabilization to help
  prevent displacement and focus on connections. Prioritizing community input as
  part of the process can inform future partners and will be a continuing resource. I
  hope we can work with Sharks and come to an agreement.
- I would like to acknowledge union members and working members who have showed up to make their voices heard. Google and the City listened and as a result there are significant benefits for community and working people including commitments to high-quality blue-collar jobs. The question I've had throughout the process is, will people who build and work on the campus be able to live in San Jose? I am happy to see that there's commitment to make that happen. Thanks for hearing our voices, we've created something special and it should be a model moving forward.





- Thanks to the City and Google for working with us and all surrounding stakeholders.
- We wanted to make sure decision makers were listening and that this project would be a model for the region and country. Thousands of people showed up and spoke up, and what we heard today is that the City listened. I echo that tenant education and organizing is critical and should be considered for allocation of the early money.
- We are excited about the housing components. The 4,000 new homes will help jumpstart housing across the area and create a vibrant neighborhood. I like that Google worked with the City to meet the 25% affordability goal and are excited to see 1,000 deed-restricted homes. We like the approach of combining some on-site units and dedicated parcels, so the City can reach deeper levels of affordability and bring some of the affordable homes online as soon as possible. Getting parcels early is a great opportunity to leverage Measure A funds and get homes for some of our most vulnerable neighbors. The community benefits package will be a tremendous resource to respond to needs of tenants, support preservation, and help counter displacement pressure including beyond Google's footprint. We are also supportive of staff's DSAP Amendments, which will help us get to our goal of 15,000 new housing units over the station area. This will require ongoing work and continued community engagement to meet our goals. We are committed to staying involved as a partner.
- I offer strong support for the package outlined today. The community benefits
  package is a model for development in the tech sector for community
  displacement and creates power structures for those to have a voice in these
  strategies. This is an enormous opportunity to do something that hasn't been
  done before. It is smart to invest in anti-displacement activities. Providing access
  to legal services for eviction, and access to state/federal resources to prevent
  eviction is essential.

### **PUBLIC COMMENTS**

The following is a brief summary of public comments following the SAAG discussion.

 I am concerned that the Chicano community has not been articulated in these conversations. Silicon Valley Rising and SOMOS are not representative of Latinos. The property that Google bought from the city is not legitimate and historic redlining denied people of color access to this area. Mexicans were not allowed equal protection under the law.





- I appreciate the presentation and questions on the DA and city fees. I have reviewed the project and believe that Google and the City have been listening.
- I would like a better understanding of the Sharks' parking requests. It is great news if the Depot can be saved. I would stop planning for two high speed rails underground in Downtown West, they require more than 2 months to construct.
- I see a lot of large mega projects and this one is the cream of the crop. The SAAG, City staff, and community have put in a lot of work. The significant community benefits package, infrastructure, and affordable housing at no cost to the City is a once in a lifetime transformative proposal. This should be a standard, but may be hard for other private developers to meet.
- Having a union job with awesome healthcare has made such a difference in my life. Google's commitment to quality service jobs and affordable housing is appreciated. It means service workers like me can have a stable life in San Jose!
- How will the historical neighborhood going up in the Stockton Avenue area work? The future potential of high speed rail going through Alameda County is an interesting concept. Do the heights of buildings account for the southern flyaway area? I don't think those can be over 120-150'. Height has been an issue in the past. Regarding the East side, this is similar to the Vancouver downtown.





# RESPONSES TO FREQUENTLY ASKED QUESTIONS ABOUT GOOGLE'S DOWNTOWN WEST MIXED-USE PROJECT

Updated April 2021

This document provides answers to the most frequently-asked questions by community members during the City's recent public outreach and engagement on the Downtown West project.

For purposes of this document, "Google" refers to the development team that has submitted a planning application to the City. All responses are subject to change as new information becomes available.

### Additional information can be found at:

- <u>City's Google Project page</u>: application documents and information about the development and environmental review processes
- <u>www.diridonsj.org</u>: community engagement process and background information
- <u>www.diridonsj.org/downtownwestda</u>: Draft Development Agreement process
- FAQs about Google and the Diridon Station Area (last updated April 2020)
- Google's project website: FAQs, videos, and information

#### **CONTENTS:**

- 1. When will the public see specific building designs?
- 2. What is the timeline for construction?
- 3. How was the valuation of the Community Benefits determined?
- 4. What is the selection process for the Community Advisory Committee for the Community Stabilization and Opportunity Pathways Fund?
- 5. What oversight will there be over the Community Stabilization and Opportunity Pathways Fund?
- 6. How much affordable housing will there be, where will it be located, and at what affordability levels?
- 7. Will there be any direct displacement of existing housing? How are the City and Google addressing indirect displacement? What analyses have been performed?
- 8. How are Google and the project responding to homelessness?

- 9. How will the project affect the City's jobs-housing balance? Since San José is already so imbalanced, why would the City allow so much housing on land that is prime for jobs creation?
- 10. Is the City requiring a park/open space per capita target for this project? How is Google proposing to meet its parkland obligation?
- 11. How much of the proposed 15 acres of open space would be dedicated to the City vs. privately owned? How will the open spaces be maintained? Will the privately-owned spaces be permanently accessible to the public?
- 12. How does the project reduce impacts to the riparian corridor? What is the setback for new buildings from the riparian corridor?
- 13. What is Google's parking plan?
- 14. What is the obligation to the Sharks? Has the City been coordinating with them?
- 15. Will the SAP Center have enough parking when the existing parking lots get developed?
- 16. Has the City completed a traffic impact study? What were the key findings?
- 17. How will workers get to the new offices without congesting surrounding roads?
- 18. How many historic resources are within the project boundaries? Which would be retained and which would be demolished?
- 19. How will the design incorporate and reflect the immigrant and multicultural identity of San José? Will nonprofits and community groups have a place in the development?
- 20. Will there be public art installations? How will the art be selected? How will Google involve local artists?
- 21. How is Google engaging with future retailers and existing local business owners? Will Google rent space to local and small businesses? Will there be financial aid or other kinds of support for small, local businesses? How can small businesses take advantage of these plans and get involved?
- 22. How will the City help protect small businesses from displacement?
- 23. How do the Diridon Integrated Station Concept Plan process and Downtown West project interact?
- 24. How will the construction work be coordinated over time?

### **GENERAL QUESTIONS**

### 1. When will the public see specific building designs?

Google's current proposal is to build approximately: 4,000 homes, approximately 7.3 million square feet of office space, 15 acres of open space, and 500,000 square feet of retail and other active uses. The target for City Council consideration of the Downtown West project is late spring 2021. If approved, the next step would be for Google to submit specific building designs and plans, which the City will then review for consistency with the Design Standards and Guidelines for the Downtown West project (DWDSG) and other project documents. Following this conformance review step, Google would apply for building permits.

#### 2. What is the timeline for construction?

Google anticipates building the project in several phases over the next 10+ years, beginning as early as 2023. Given the scale of this project, the Development Agreement would permit Google to take up to 30 years to fully build out the project.

### **DEVELOPMENT AGREEMENT AND COMMUNITY BENEFITS**

### 3. How was the valuation of the Community Benefits determined?

The City and Google have negotiated a staff-recommended Draft Development Agreement, including Community Benefits, as part of the Downtown West project review process. As described in the Draft Development Agreement, the project will provide \$200 million in Community Benefits, largely in cash.

The Memorandum of Understanding (MOU) between the City and Google, adopted in December 2018, provided a framework for determining the appropriate value of the Community Benefits. The Community Benefits value is consistent with the MOU framework: Google will share back additional value created through the City's actions (such as rezoning and increased height limits); the value takes into account the financial feasibility of the project; and the value does not include costs associated with satisfying the City's baseline requirements, mitigating environmental impacts, or providing discretionary project features.

In addition to the \$200 million in Community Benefits, Google estimates that it will invest over \$253 million to fulfill City requirements and over \$1 billion in discretionary project features that benefit the public, such as shared infrastructure, sustainability features, etc.

### 4. What is the selection process for the Community Advisory Committee for the Community Stabilization and Opportunity Pathways Fund?

The Community Benefits outlined in the Draft Development Agreement includes a new Community Stabilization and Opportunity Pathways Fund that would generate \$154.8 million at full buildout of the proposed 7.3 million square feet of office. Google would pay into the fund as office buildings are completed overtime. The purpose of the Fund is to minimize displacement and other potential negative impacts on people and place, including from rising costs of living ("community stabilization") and to maximize opportunities for local youth and adults to participate and benefit from job opportunities through training, education, and support ("opportunity pathways"). The funds would be distributed as grants to programs serving low-income people in San José, with a focus on advancing racial equity.

In addition to these objectives for the Fund's purpose, staff and Google heard through the engagement process that the administrative structure of the Fund should balance technical expertise and lived experience, amplify the voices of local leaders, and empower residents of impacted communities to make decisions. The shared goal is to ensure that funds go towards addressing current needs and the root causes of displacement and economic mobility to result in measurable outcomes.

Accordingly, the recommended governance structure for the Fund features a third-party Fund Manager and a Community Advisory Committee, with City oversight and support. The Committee would be comprised of five local residents representing the lived experience of impacted communities and eight members with subject matter expertise and professional experience in one or more relevant fields (e.g., affordable housing, homeless services, STEAM education, workforce development, small business, community development, etc.). The professional experience of the subject matter experts may come from delivering services, policy-making, academics, or working in an institutional capacity.

After final approval of the Development Agreement and creation of the Committee, City staff would conduct an open, transparent process for appointing the Committee members, both initially and as terms expire. The process is envisioned to include the following steps, in consultation with the City Clerk, City Attorney's Office, and the City Administration's Office of Racial Equity:

- 1. Solicit applications/nominations using a standard form.
- 2. Screen the nominations for eligibility.
- 3. Perform a conflict analysis for each candidate.
- 4. Bring forward recommendations to City Council for appointment at a public meeting.

Staff envisions completing this process over a 2-3 year period and aligning it with completion of the first office building, when the first payment into the Fund would come in.

Refer to Exhibit H in the Draft Development Agreement for detailed information about the Community Stabilization and Opportunity Pathways Fund.

### 5. What oversight will there be over the Community Stabilization and Opportunity Pathways Fund?

In addition to the objectives described above, staff and Google also heard from community members that there should be data-driven and transparent decision-making processes that balance community-led decisions with sufficient City oversight. With this intent, the recommended Fund structure includes measures to ensure transparency with the public, support collaboration, and provide checks and balances between the various actors to hold each other accountable to the Fund's purpose. For example:

- Staff shall consult with the Committee when recommending a Fund Manager, for City Council approval.
- The Fund Manager shall work with the Committee to prepare a Five-Year Strategic Plan, for City Council approval. The Strategic Plan would include metrics for evaluating the Fund's effectiveness.
- The Fund Manager shall administer the grant-making process, ensure that grant recipients are qualified and have capacity to perform, and recommend

grant recipients to the Committee for approval, consistent with the Strategic Plan.

- The Fund Manager shall work with the Committee to prepare Annual Performance Reports, for the City Council to review and accept at a public meeting.
- The Committee members shall be subject to conflict of interest laws.
- Staff shall provide administrative support to the Committee, provide general oversight of the Fund, and serve as a liaison between the other parties involved in the Fund administration.
- The Committee's meetings will be conducted in accordance with the Brown Act and applicable City requirements; i.e., Committee meetings will be open to the public and members of the public will be able to provide comment.
- The City may complete an independent financial and performance audit of the Fund on a biannual basis to ensure conformance with the Development Agreement, the Five Year Strategic Plan, the contract with the Fund Manager, and applicable laws. The audit would be publicly available.

The recommended Fund structure, driven by stakeholder input, is a unique model as compared to similar funds in the U.S. See Exhibit H of the Draft Development Agreement for more information.

### **HOUSING**

### 6. How much affordable housing will there be, where will it be located, and at what affordability levels?

If approved, the Downtown West Project would support the development of approximately 1,000 affordable units available to extremely low-, very low-, low- and moderate-income households. Approximately 600 of these units (at 30-80% of Area Median Income (AMI) would be located on three parcels dedicated by Google to the City within the Downtown West project; approximately 200 units (at 100% of AMI) would be integrated into market-rate residential development; and approximately 200 units (at

30-80% of AMI) could be built on an additional parcel to be dedicated by Google to the City outside of the project site. These sites are shown in the diagram below.



As a Community Benefit, Google would advance the dedication of three of the four sites. The land dedication and early delivery of the sites would allow the City to leverage external funding sources and achieve lower income limits (i.e., deeper affordability). Through the City's use of land dedication and fees and ability to leverage additional resources, the City is targeting at least 40% of the units built on dedicated housing sites to be available to extremely low-income households earning under 30% AMI.

### 7. Will there be any direct displacement of existing housing? How are the City and Google addressing indirect displacement? What analyses have been performed?

The existing project site is predominately parking lots, and there are only seven existing residential units within the project boundaries, only one of which is occupied. Google has worked with owners and tenants to address their housing needs. There will be no other direct residential displacement associated with the project.

<sup>&</sup>lt;sup>1</sup> The City is considering changing the land use designations and zoning of the Autumn Street site (located outside of the Downtown West project site but within the Diridon Station Area) to allow for residential uses and approximately 200 affordable housing units, subject to subsequent clearances and discretionary approvals.

Regarding indirect displacement, the City consulted with researchers at University of California, Berkeley and economic analysts.<sup>2</sup> Due to the many factors at play, it is impossible to estimate the effect of a single development on an area's rent and home prices. The regional job/housing market also has a greater impact than even a large development could have.

The City's focus is on supporting the ability of San José residents to live and thrive in their homes through a "3Ps" approach: affordable housing *production*, *preservation* of existing affordable housing, and renter *protections*.

The Community Benefits outlined in the Draft Development Agreement support the City's 3Ps approach. In addition to the affordable housing benefits described above, Google would provide up to \$154.8 million to a new "Community Stabilization and Opportunity Pathways Fund." At least 50% of this fund will support community stabilization programs such as affordable housing preservation, homelessness and displacement prevention, homeless services, and housing innovation research.

### 8. How are Google and the project responding to homelessness?

As described above, the new "Community Stabilization and Opportunity Pathways Fund" is intended to support community stabilization programs, including homelessness prevention and homeless services. Funding decisions will be made by a Community Advisory Committee that will include local residents with lived experiences such as homelessness and displacement.

In addition, according to Google, the company has committed \$1 billion to address the Bay Area housing crisis, of which \$50 million has been grants by Google.org (foundation) to address homelessness. Donations include both funds and Googleowned land for residential development, as well as creation of a \$250 million affordable housing investment fund. Google has made several investments specifically in San José (see The Keyword blog for more information).

<sup>&</sup>lt;sup>2</sup> See the HR&A Economic Study in the appendix of the Draft Environmental Impact Report (DEIR).

## 9. How will the project affect the City's jobs-housing balance? Since San José is already so imbalanced, why would the City allow so much housing on land that is prime for jobs creation?

The jobs-to-employed-resident ratio is a key indicator used to track the financial health of a city. As of 2020, the ratio in San José was 0.81 — the lowest ratio of any South Bay city. This is due, in part, because the city's population has grown faster than its job base.

The City's General Plan allows for adding 382,000 new jobs since 2010 — reaching about 751,650 jobs at buildout. The General Plan also allows for 120,000 new homes over the timeframe of the Plan, through 2040. The City's goal is to achieve a balance of jobs and housing to reduce the need for out-commuting and to have more tax resources for providing municipal services, affordable housing, and infrastructure investments. Both intensive commercial development and dense residential development (over about 55 du/ac) have a neutral to positive effect on the City's finances relative to the cost of providing services for these developments. At the Downtown level, the City envisions more housing, office, and retail space to support transit ridership, small businesses, and street life. Community input has generally supported this approach as well.

The Downtown West project provides a balanced mix of employment and housing units, consistent with these goals. It could generate more than 25,000 permanent jobs within the project boundaries, which would help stem further decline in the city's jobs-housing balance.

### PARKS, OPEN SPACE, AND ECOLOGY

### 10. Is the City requiring a park/open space per capita target for this project? How is Google proposing to meet its parkland obligation?

Yes, all residential development in San José is subject to a parkland obligation, based on the project's estimated increase in residents. Developers can meet their obligation by dedicating undeveloped land for park purposes, improving/constructing parks or trails, paying an in-lieu fee, or a combination of these methods. More information about these rules can be found on the City's Parks, Recreation & Neighborhood Services website.

For the residential component of the Downtown West project, Google proposes to satisfy the obligation through the dedication of 4.8 acres of land to the City,

constructing the parks and trails on this land, and applying private recreation credits and/or paying an in-lieu fee if any obligation remains. Downtown West includes five different City-dedicated public parks, including approximately 0.3 linear miles of the Los Gatos Creek Trail through the project boundaries.

These 4.8 acres, to be managed by the City, would be the only aspect of the open space proposal that would be counted as park credit under the City's parkland ordinances. No open space that would be owned and managed by Google (an additional 10.2 acres) will receive credit against the project's parkland obligation. All privately-owned publicly accessible open space is considered as voluntary project features.

In addition to fulfilling the parkland obligation and providing privately-owned public spaces, the project will also make a cash contribution for the 800 Long Term Corporate Accommodations units as outlined in section 4.4 of the Development Agreement. These funds will be paid to the City at the time of building permits for those units and used on parks or recreational facilities within 3/4 mile of the project site.

# 11. How much of the proposed 15 acres of open space would be dedicated to the City vs. privately owned? How will the open spaces be maintained? Will the privately-owned spaces be permanently accessible to the public?

The project includes approximately 15 acres of open space, including parks, plazas, trails, green spaces, mid-block passages, and riparian buffers. These spaces range in size and are intended to provide a variety of experiences that together support a vibrant, active public realm.

As described above, approximately 4.8 acres of the total space would be dedicated to the City as turn-key public parks and trails. The City would be responsible for maintaining and operating these spaces.

The remaining 10.2 acres would be owned by Google and predominately accessible to the public. Google would be responsible for maintaining and operating these spaces. Of the 10.2 acres, 7 acres would have a restrictive covenant that ensures public access will be in place for the life of the adjacent commercial building (unless City Council affirms by 2/3 vote that the public access can change). These spaces will be open to the public, although parts may be reserved occasionally for private events on a limited basis. The

hours of operation and the location of reservable areas, and the times during which these might be reserved are detailed in Exhibit F of the Draft Development Agreement.

### 12. How does the project reduce impacts to the riparian corridor? What is the setback for new buildings from the riparian corridor?

Google will improve riparian habitat along Los Gatos Creek over existing conditions within an ecological enhancement zone set at within 100 feet of Los Gatos Creek. Additionally, the project must comply with the Santa Clara Valley Habitat Plan and City policies to protect riparian habitat and implement habitat protection measures under the California Environmental Quality Act (CEQA). This includes required mitigation measures designed to avoid impacts to riparian habitat and restore any riparian habitat temporarily impacted by project construction.

Following publication of the Draft Environmental Impact Report (DEIR), Google revised its plan to require new, reconstructed, and relocated buildings to have a minimum 50-foot setback from the top of bank of Los Gatos Creek or the edge of the creek's existing riparian canopy (whichever is greater) and from the top of the channel wall along the Guadalupe River. Some existing buildings to be maintained or renovated in place may remain closer to the creek.

### **TRANSPORTATION & PARKING**

### 13. What is Google's parking plan?

The Downtown West project is <u>required</u> to provide 4,000 parking spaces at full buildout of the commercial development and may provide up to 4,800 parking spaces. In addition, the project proposes up to 2,360 parking spaces associated with the residential uses. The plan proposes that office parking be made available to the general public (shared with other users) and be priced at market-rate, as existing parking lots in the area are today. Residential parking will be "unbundled" – meaning residents who don't own a car would not have to pay for a parking space. Parking would primarily be provided in structures, replacing the existing surface lots and enhancing the public streetscapes.

### 14. What is the obligation to the Sharks? Have you been coordinating with them?

The City owns the arena and leases it to the Sharks Sports and Entertainment (SSE) to operate and maintain. An Arena Management Agreement (AMA) guides the City's roles and responsibilities and is effective until 2040. The AMA stipulates that the City must ensure a minimum amount of parking spaces are available for public use in evenings and weekends when an event is scheduled at the SAP Center; the City has worked with Google to ensure that the City will be able to continue to fulfill this requirement.

The City recognizes the importance of the Sharks to Downtown. The City of San José and/or Downtown West has met with SSE over 75 times since early 2019 to address parking, circulation, and operational concerns. In response to concerns from SSE, the City has worked closely with consultants to prepare extensive supplemental event-related analysis to assess the potential effects on arena operations and address concerns.

The studies found that arena access (ingress and egress) will work well and provide effective parking and circulation. Through its review and working with Google, the City has made adjustments to the project to incorporate feedback from the SSE; examples of these changes include:

- reconfigured Barack Obama Boulevard to allow additional access to/from events;
- an increase in planned publicly-accessible parking;
- a commitment to maintain the number of available spaces within the project over all phases of construction;
- driveways into underground parking along Santa Clara Street to facilitate egress;
- a commitment to manage publicly-available parking spaces such that roughly 85% are available to SAP Center patrons for events; and
- restriping streets (i.e., Delmas south of San Fernando Street) to ease event egress.

The City has also incorporated SSE input into the Amended Diridon Station Area Plan – for example, maintaining an option to extend Autumn Parkway directly between Julian and St. John Streets and incentivizing all new commercial development in the area to share parking.

### 15. Will the SAP Center have enough parking when the existing parking lots get developed?

Through construction and upon project completion, there would be at least the same amount, if not more, parking spaces than exist today in the area – consistent with the AMA. Ultimately, the SAP Center will have roughly one parking space for every two seats, which is double of most other urban stadiums in the Bay Area. The SAP Center is also within a 5-minute walk to multiple public transit options that will be improved over time; over 50% of attendees to other Bay Area stadiums use transit, bike or walk to get to events. The City is committed to addressing traffic, parking, circulation, and operational concerns and ensuring that Sharks fans and event attendees continue to have good access to the SAP Center.

Although construction activities in the area would affect the transportation system around the Arena, as described in the Response #24, the City is requiring Google to prepare and submit a detailed Traffic Control Plan for each major phase of construction, as part of the subsequent review and permitting process. The DEIR specifically states that the Traffic Control Plan shall include consideration of SAP Center ingress and egress for event days and allow for efficient movement and safe conditions for patrons of the arena, as well as a plan for accommodating parking for people visiting the SAP Center. The City is also working with all major projects in the area – including both Downtown West and the BART Silicon Valley extension – to comprehensively manage construction in the area.

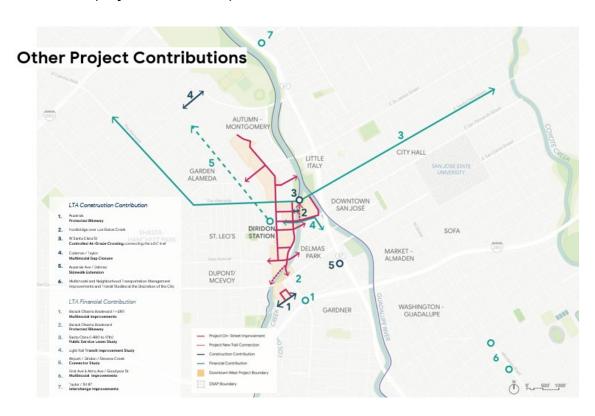
Staff believes that the combination of investments in the Diridon area, including the Downtown West project, will collectively improve the arena-goer experience – adding things to do before and after events, enhancing transportation options, and increasing safety through more street life. The City will continue to work with the SSE to address their concerns prior to City Council consideration of the Downtown West project and in any subsequent phases of work.

### 16. Has the City completed a traffic impact study? What were the key findings?

Yes. The California Environmental Quality Act (CEQA) requires cities to analyze potential impacts on the transportation system. The <u>Draft Environmental Impact Report (DEIR) for the Downtown West project</u> did not identify any transportation impacts under CEQA,

which are based on the "vehicle miles traveled" (VMT) metric, given the proximity to transit service and other project features.

In addition, the City requires all development projects to complete a Local Transportation Analysis to analyze traffic, circulation, and access and to identify possible improvements. The Local Transportation Analysis for the Downtown West project, included in the DEIR appendix, identified potential "adverse effects" at specific locations, in keeping with the State and VTA's Congestion Management Program. As shown in the graphic below, the project includes improvements to address those effects:



### 17. How will workers get to the new offices without congesting surrounding roads?

Through the proposed office location, design, and operations, new workers and residents would have many viable alternatives to driving alone. The project has excellent access to the regional transit network due to its adjacency to Diridon Station, which is planned for further improvement. The proposed transportation network also supports walking, biking, and other alternative modes, and the City is requiring implementation of a robust Transportation Demand Management (TDM) program that includes measures

such as transit benefits and reduced parking or rideshare coordination. The City will regulate and monitor the TDM program to assure compliance with an ultimate target requirement that 65% of all trips use alternative modes of transportation, which will limit increases to congestion and reduce demand for parking. The amount of new people and 65% target requirement is similar to the daytime population and travel patterns of San José State University, located on the eastern edge of Downtown.

The Downtown West project also includes roadway improvements to support the increased volumes of people (see Response #16), and the City is preparing the Downtown Transportation Plan to study other ways to improve circulation and accommodate new employees, residents, and visitors in the future.

### **HISTORIC & CULTURAL RESOURCES**

### 18. How many historic resources are within the project boundaries? Which would be retained and which would be demolished?

Nine historic resources are identified in the Draft Environmental Impact Report (DEIR) for the Downtown West project, as defined by the California Environmental Quality Act (CEQA). Of these, six are individual resources; two are groupings of multiple structures; and one is a Contributing Structure pending Commercial Signage Discontiguous District.

*Retained.* Five of the CEQA resources would be retained or relocated on-site, and activated with public-facing programming:

- San José Water Company Building (374 W. Santa Clara Street, City landmark).
- Kearney Patternworks and Foundry building (40 S. Montgomery, candidate City landmark).
- Hellwig Ironworks building (150 S. Montgomery, candidate City landmark).
- A grouping of three Victorian bungalows on Julian Street (559, 563, and 567 W. Julian Street), to be relocated on-site.
- The Stephen's Meat Products sign, to be relocated on-site (contributing structure).

*Salvaged.* One of the CEQA resources would be salvaged: Portions of the facade of the Sunlite Bakery Building at 145 S. Montgomery (candidate City landmark) would be salvaged to be incorporated into the project.

Relocated or Demolished. As required under the EIR, the following historic buildings would be available for others to purchase and relocate. If they aren't relocated within a specified notice period, then they would be photographically documented for archival purposes, and the buildings would be demolished shortly before construction begins at that location. Three of the CEQA resources fall under this category:

- 343 N. Montgomery St, candidate City landmark.
- 345 N. Montgomery St, candidate City landmark.
- 580 Lorraine Ave (Democracy Hall), candidate City landmark, state and national register eligible.

In addition to the CEQA historic resources described above, Downtown West will also:

- Relocate on-site 35 S. Autumn Street, identified as an eligible structure of merit.
- Support the relocation of 91 S. Autumn Street (Poor House Bistro), identified as an eligible structure of merit.
- Support relocation costs of other on-site structures of merit (including eligible) to
  off-site locations if property owners elect to receive them, up to the equivalent
  cost of demolition.

# 19. How will the design incorporate and reflect the immigrant and multicultural identity of San José? Will nonprofits and community groups have a place in the development?

Creating a place that reflects and complements San José's culture and history is an important part of Google's design principles, as reflected in the Downtown West Design Standards and Guidelines. The Design Standards and Guidelines encourage sitewide interpretive programming that reflects the city's history and cultural heritage. Examples of such features may include: ground inlays, historic markers, etched pavement, murals, signage panels, and art/play features.

Just as important as the physical design, the plan will provide space for local and small businesses – including makers, arts, and cultural organizations – that can offer a variety of activities and programs that will preserve and foster San José's multicultural history.

### 20. Will there be public art installations? How will you select the art? How will Google involve local artists?

Art and culture is an important part of the project. The <u>Downtown West Design Standards and Guidelines</u> (DWDSG) encourages art throughout the project site. The guidelines also cover the placement of public art in public spaces and semi-public zones, integrating artwork with building architecture, and integrating permanent and temporary public art into gathering spaces at commercial and residential development projects. The DWDSG aligns with San José's Public Art NEXT!, DowntownNext!, and the Downtown Design Guidelines.

In selecting the art, Google will seek community input and involve local artists, such as through design competitions. There may be rotating art shows or curated exhibits that change over time, for interest and variety. Google will continue working with local artists and arts organizations to explore opportunities to develop a vibrant public art and programs across Downtown West.

### **SMALL BUSINESSES**

21. How is Google engaging with future retailers and existing local business owners? Will Google rent space to local and small businesses? Will there be financial aid or other kinds of support for small, local businesses? How can small business take advantage of these plans and get involved?

Google has been conducting community engagement in parallel with the City since early 2018, which has involved reaching out to the active businesses within the project boundaries and talking to local business owners and workers.

Providing space for local and small businesses and nonprofits is part of the proposed 500,000 square feet of active uses and ground floor plan. According to Google, they are in the early stages of developing the details of this plan for future development, but have already worked to retain or relocate existing businesses. They will continue working with community stakeholders to understand how they can best support and grow local small, businesses, as they have done since 2018. Google will also share information on opportunities with businesses organizations and the City, as they arise.

Businesses that are interested in opportunities associated with the project are encouraged to contact the Google's project team at <a href="mailto:downtownwest@google.com">downtownwest@google.com</a>.

### 22. How will the City help protect small businesses from displacement?

The City has been working on citywide anti-displacement strategies for small businesses, based on City Council direction in December 2018. The initial focus has been on Alum Rock, which has been experiencing transit and real estate investment. More recently, staff has been focused on the COVID emergency and economic recovery. In addition to that ongoing work, staff is currently analyzing lessons learned, the Diridon Station Area context, and potential strategies to protect small, local businesses from displacement and support them in pursuing new opportunities. Staff will continue to reach out to businesses and host engagement activities on this topic in 2021 and beyond.

### **PLANNING PROCESS & CONSTRUCTION**

### 23. How do the Diridon Integrated Station Concept Plan process and Downtown West project interact?

The Diridon Integrated Station Concept Plan (DISC) is a collaborative effort among the City and public transportation agencies to expand and redesign the station. It launched in 2018 and has resulted in a Concept Layout that the partner agencies accepted in early 2020 for advancing to the next stage of work. Subsequent work includes more detailed engineering and design, environmental review, and developing an implementation plan (governance, financing, construction phasing, etc.).

The Partner Agencies view the Downtown West project as integral to the Concept Plan goals of supporting increased transit ridership. Google committed to this shared vision and to collaboration on the station planning process in the December 2018 MOU.

As described in the Draft Development Agreement, the Downtown West proposal maintains a transit buffer, consistent with the Concept Layout, within which the Diridon Partner Agencies believe that the DISC program can be accomplished. This includes an expanded and redesigned station, as well as modified track approaches.

The City, Google, and partner agencies have been and will continue to coordinate on the designs of the various projects as they advance towards construction to ensure compatibility.

#### 24. How will construction work be coordinated over time?

Construction of the Downtown West project is anticipated to occur over several phases. Construction could begin as early as 2023 and is expected to take over a decade to fully complete.

For each major construction phase, the City would require Google and its development partners to prepare and submit a subsequent Construction Impact Mitigation Plan (CIMP), for approval prior to the start of construction. The CIMP will address specific timing and construction methodologies for the particular phase and potential construction impacts on residents and businesses.

The CIMP will also include a detailed Traffic Control Plan to ensure the safe and efficient movement of all transportation modes (e.g., walking, bicycling, automobiles, transit) whenever construction activities would affect the normal functioning of the street network. It would address emergency vehicle access, circulation, parking, loading zones, and SAP Center ingress and egress. The Traffic Control Plan would be coordinated with any adjacent construction activities. Refer to the <u>DEIR</u> for the Downtown West project for additional information about the general phasing plan (Section 2.13) and the Traffic Control Plan (Impact TR-1).

In addition, the City is working on a comprehensive construction oversight program for all major projects in the area, such as Downtown West and the BART Silicon Valley extension.