

**NATIVE AMERICAN HERITAGE COMMISSION**  
Cultural and Environmental Department  
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November 1, 2019

Shannon Hill  
San Jose, City of  
200 East Santa Clara Street, Tower 3<sup>rd</sup> Floor  
San Jose, CA 95113

RE: SCH# 2019080493, Downtown West Mixed Use Plan (File Nos. GP19-009, PDC19-039, and PD19-029) Project,  
Santa Clara County

Dear Ms. Hill:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
  
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
  
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
  
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
  
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.



3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Staff Services Analyst

cc: State Clearinghouse



October 23, 2019

Shannon Hill  
City of San Jose  
200 East Santa Clara St  
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Shannon Hill,

Thank you for submitting the Downtown West Mixed Use plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management



## Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <http://usanorth811.org/wp-content/uploads/2017/05/CA-LAW-English.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)



Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes,



service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

## Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING.**"
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for



proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

**From:** [Heidi Giancola](#)  
**To:** [Hill, Shannon](#)  
**Cc:**  
**Subject:** NOP comment letter for Downtown West Mixed Use Plan.  
**Date:** Wednesday, November 13, 2019 11:07:11 AM

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[External Email]

Heidi Giancola

Environmental Project Manager  
Shannon Hill  
(408) 535-7872  
[shannon.hill@sanjoseca.gov](mailto:shannon.hill@sanjoseca.gov)

Dear Shannon Hill,

I am writing to you with regards to the Notice of Preparation for the Downtown West Mixed Use Plan. I am an Environmental Studies masters student attending San Jose State University and have been assigned to review this proposed project and conduct a mock draft EIR.

During the review of the proposed project the area of most concern is the number of parking lots proposed to be eliminated, without the prospect of additional parking to the same scale. In the Downtown West Mixed Use Plan under the category of existing parking the estimated amount states N/A in all categories. As seen in the images and when visiting the sites, there are numerous parking lots that are full or nearly full during week days. By eliminating the SAP center parking and the CALTrain parking it puts additional stress on other parking structures in the city. There should be a documented amount of parking spaces that are being eliminated to accurately describe the effects that this project is having in the area.

Additionally, with the proposed units of housing, hotel and daily use of this area there will be increased strain on the neighboring parks of Arena Green and Guadalupe River park. The increase of foot traffic, possible animal use and damages to the park should all be considered when conducting the EIR. It will be essential to have additional green space for the increase of people that will be using this area. I propose that a mitigation measure be made to set aside additional funds to maintain the surrounding parks.

Thank you for your time!

Sincerely,

Heidi Giancola

cc: David C. Ralston:

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**From:** [Annette McMillan](#)  
**To:** [Hill, Shannon](#)  
**Cc:**  
**Subject:** NOP Meeting Downtown West Mixed-Use Plan  
**Date:** Wednesday, November 13, 2019 10:29:12 AM

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[External Email]

Annette McMillan

---

November 13, 2019

City of San Jose, Department of Planning, Building and Code Enforcement  
Shannon Hill, Environmental Project Manager  
200 East Santa Clara Street  
3rd Floor Tower, San Jose CA 95113-1905  
[shannon.hill@sanjoseca.gov](mailto:shannon.hill@sanjoseca.gov)

---

Dear Ms. Hill,

Please accept my comments on the Notice of Preparation for the Downtown West Mixed-Use Plan (Google Project). Below I have outlined some of my concerns in regards to the 2013 Draft Environmental Impact Report (DEIR) for the Diridon Station Area Plan (DSAP). I have some misgivings regarding greenhouse gas (GHG) impacts from this project.

While I recognize that this project is in line with meeting the statewide 2020 GHG goals as set forth by AB 32, my concern is the knowledge that “without further reductions, the City’s projected 2035 GHG emissions per service population would exceed the average carbon-efficiency standard necessary to maintain a trajectory to meet statewide 2050 goals as established by Executive Order S-3-05”. The DSAP clearly states that there would be a significant cumulative impact on climate change from the implementation of the 2040 General Plan.

If these knowns exist before beginning a project, isn’t it a better practice to work towards solutions to mitigate them before getting too deep into the plan? In the Notice of Preparation (NOP) announcement, mention was made of designing ways to reduce the number of vehicle trips to the site and organizing worker transport ahead of the project. I’m interested to know what the status is of those goals as I was unable to attend the NOP meeting.

Additionally, I’d like to see some mitigations incorporated such as:

- Work to exceed the City of San Jose's Green Building Ordinance
- Include installation of solar panels on new buildings and over parking areas
- Require installation of cool roofs, green roofs or solar panels on all new building construction
- Incorporate living terraces, balconies and patios in high rise buildings
- Implement the purple-pipe recycled water system for all landscaping & toilet/urinal flushing

I understand you are very busy and I appreciate your time in reading my comment letter. Thank you and I look forward to your response.

With Concern,

Annette McMillan, SJSU student of Environmental Studies

cc: David C. Ralston, SJSU

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**From:** [Tracy Nguyen](#)  
**To:** [Hill, Shannon](#)  
**Cc:**  
**Subject:** Downtown West Mixed-Use Project Comment Letter  
**Date:** Wednesday, November 13, 2019 8:55:44 PM

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[External Email]

November 13, 2019

Shannon Hill  
Environmental Project Manager  
City of San Jose, Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3rd Floor Tower  
San Jose, CA 95113-1905

Review of the Notice of Preparation for Downtown West Mixed-Use Project

Dear Ms. Hill,

I appreciate the opportunity to comment on the Notice of Preparation (NOP) for the Downtown West Mixed-Use Project. The following comments will focus on toxic air contaminants (TACs), potential hazardous materials discarded by homeless individuals, abandoned houses and their possible status as cultural resources as well as the potential presence of harmful materials (e.g., lead-based paint and asbestos). In an effort to demonstrate its best efforts at putting together and completing the final environmental impact report (FEIR), the lead agency should take into account these concerns and address them if they have not already been mentioned in the NOP and scoping meeting.

In the NOP document, there are no mentions of what will happen if TACs exceeded acceptable levels. Based on the location of the project and its inclusion of and/or proximity to parks and schools to sensitive receptors, it is highly possible that children and elderlies may be more affected by poor air quality. In such a case, what does the lead agency propose as a possible mitigation or protection measure? Will the project applicant distribute protective masks and/or will the lead agency posts air quality notices for days and times that have the most TACs so as to deter outside activities? It is important to assess future action plans because excessive exposure to high levels of harmful contaminants can be detrimental to everyone in the area. There needs to be some kind of action plan in place right now, so when an issue does arise, there are prompt and efficient responses to lessen harmful exposure. As such, the lead agency should work in concert with the BAAQMD, Santa Clara County Public Health Department, and other related organizations and departments to provide proper

notification alerts and appropriate protection measures for areas with high levels of TACs.

Additionally, within the project site, there are several areas listed under the Cortese List. However, the NOP document does not mention or address the potential hazardous materials discarded by homeless individuals. Living along the banks of the Los Gatos Creek on West San Carlos St. and Bird Ave. are many homeless individuals. Although most of the trash generated by these people are day-to-day items such as food packages, the lead agency should consider the possibility of hazardous materials such as syringes. By acknowledging this possibility, the lead agency can better equip workers' with better knowledge on how to dispose of certain hazardous materials and how to avoid hurting oneself when cleaning up the homeless encampment areas.

Another point of concern for this project is the two abandoned houses near the homeless encampment area mentioned previously. These abandoned houses should be assessed for their potential cultural resource status. If they do end up to be registered cultural resources, how does the lead agency plan to redevelop the area? If the agency plans to build around these houses, how will the new buildings compromise the cultural significance of these houses? This should also be assessed and included in the FEIR as these houses may be important cultural resources for the city and its people.

Finally, in regards to the abandoned houses on West San Carlos St. again, if they are proven to not be cultural resources and are demolished, how will the lead agency mitigate the lead-based paint and asbestos that will be released in the ambient air? Since these abandoned houses look quite old, there is the possibility of them being painted with lead-based paint and having asbestos insulation in their walls. If this is true, what protection measures will the lead agency take to protect construction workers and nearby businesses and residents? Exposure to lead and asbestos are health hazards; therefore, it is crucial to provide proper protection measures.

Sincerely,  
Tracy Nguyen

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**From:** [Jared Mills](#)  
**To:** [Hill, Shannon](#)  
**Subject:** Google Project EIR Comments\Questions  
**Date:** Thursday, November 21, 2019 8:16:50 AM

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[External Email]

Hello,

I am a San Jose resident who commutes in and out of the Diridon Station area every day for work. I ride CalTrain up the peninsula in the morning and park around the area that would be impacted by this project.

Its exciting to see the area getting a renovation, but seeing how congested and difficult it is to get to already, I find it difficult to imagine this project not having a negative impact for commuters in the short term.

The parking situation around Diridon is currently dominated by SAP event parking which already makes it difficult for commuters that utilize CalTrain's limited schedule to get up and down the peninsula.

Is the 'Google Project' going to do anything to mitigate the impact to existing public parking in the area?

Are the project developers going to do anything to expand the parking or access that is available to commuters?

Is it within the scope of the project to improve overall accessibility to the area?

Thank you,

Jared Mills

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# County of Santa Clara

## Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX (408) 355-2290  
Reservations (408) 355-2201

[www.parkhere.org](http://www.parkhere.org)



October 29, 2019

Ms. Shannon Hill, Environmental Project Manager  
Department of Planning, Building, and Code Enforcement  
City of San José  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José, CA 95113-1905

**Subject:** City File No. GP19-009, PDC19-039, and PD19-029, APN: Multiple

The County of Santa Clara Department of Parks and Recreation (County Parks Department) has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Downtown West Mixed-Use Plan (Google Project). The Google Project is described as a General Plan Amendment, Planned Development Rezoning, and Planned Development Permit 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 rooms of limited-term corporate accommodations; an approximately 100,000 GSF event center; up to two central utilities plants totaling approximately 115,000 GSF; and a logistics warehouse(s) of approximately 100,000 GSF; all on approximately 84 acres. The proposal also includes conceptual infrastructure, transportation, and public open space plans.

The NOP states: “The project includes a new public access trail extending for a mile along the project area’s north-south axis, including portions where it would meander along Los Gatos Creek and portions where it may follow street rights of way. Within the project site’s central area, open space areas east of Autumn Street would lead to Los Gatos Creek, would be improved with new landscaping, and would feature a publicly accessible walkway along Los Gatos Creek. Open spaces in the southern portion of the site would have both passive and active character and would include access to the publicly accessible trail that would follow along Los Gatos Creek. Beyond the typical parks and open spaces mentioned above, a network of mid-block open spaces would be designed throughout the project area and enhanced with new landscaping, native plant material, structures and art installations, and park-like green environments, connecting the conventional parks throughout the project site. Appropriate grading techniques would be used for building on parcels adjacent to the creek, in order to account for existing hydrological conditions and to protect water quality in Los Gatos Creek. As noted above, the project would develop a new multi-use pathway along the creek. The project also proposes an expansion and widening of the northern side of the

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith



existing pedestrian-bicycle bridge north of West Santa Clara Street, as well as a new pedestrian and bicycle bridge over Los Gatos Creek south of West Santa Clara Street.”

The County Parks Department functions to provide a sustainable system of diverse regional parks, trails, and open spaces that connects people with the natural environment and supports healthy lifestyles while balancing recreation opportunities with natural, cultural, historic, and scenic resources protection. The County Parks Department is also charged with the planning and implementation of the *Santa Clara County Countywide Trails Master Plan Update (Countywide Trails Plan)*, an element of the Parks and Recreation Section of the County General Plan adopted by the Board of Supervisors on November 14, 1995.

The *Countywide Trails Plan* identifies three trails either within or near the project location that should be analyzed for potential impacts to portions of the existing trails, including aesthetics/shade, public services, and recreation/use, as well as potential for development of portions of the planned trails, including improvements to existing bridges and installation of new bridges. The trails are further described below:

- The Los Gatos Creek Sub-regional Trail, identified as a partially complete hiking and on-street/off-street cycling trail, is included throughout the project area. Although not mentioned by name in the NOP, the Los Gatos Creek Sub-regional Trail is described in the excerpt above and on pages 10-11 of the NOP. The proposed trail should be planned and designed to meet the minimum guidelines listed in the *Countywide Trails Plan*, including but not limited to width and surface specifications. Finally, while connections to the proposed trail are encouraged, the Los Gatos Creek Sub-regional trail must remain separate and removed from the campus internal circulation routes to sustain its function as a publicly accessible sub-regional trail for recreationists and commuters.
- The Guadalupe River–Coyote Creek Trail is a partially complete on-street cycling route within road right-of-way that shares an alignment with West San Fernando Street and will provide a connection to the BART Diridon Station, the San Jose Art Museum, the SAP Center, and the Coyote Creek/Llagas Creek Sub-regional Trail. In addition to the elements analyzed for the Los Gatos Creek Trail, the Guadalupe River–Coyote Creek Trail should be considered for potential impacts and opportunities for future connections to the nearby BART stations (e.g., BART San Jose Diridon, BART 28<sup>th</sup> Street, and BART Santa Clara).
- The Guadalupe River Trail, a partially complete hiking and off-street cycling trail, is planned to connect from the South San Francisco Bay to Morgan Hill. This trail should be analyzed using the criteria outlined above as the Los Gatos Creek Trail will provide a direct connection to this popular commuter route.

The County Parks Department appreciates the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Downtown West Mixed-Use Plan (Google Project). We respectfully request that the City of San José coordinate with the County Parks Department regarding this EIR as well as the overall proposal as they move forward. If you have any questions, please contact me at (408) 355-2362 or by email at [Michael.Hettenhausen@prk.sccgov.org](mailto:Michael.Hettenhausen@prk.sccgov.org).

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith





Sincerely,

***Michael Hettenhausen***

Michael Hettenhausen  
Associate Planner

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith



# County of Santa Clara

Roads and Airports Department  
Planning, Land Development and Survey

101 Skyport Drive  
San Jose, California 95110-1302  
(408) 573-2400 FAX (408) 441-0276



November 19, 2019

**Shannon Hill,**  
Planning, Building & Code Enforcement  
City of San José  
200 East Santa Clara Street

## **SUBJECT: NOP/EIR – Downtown West Mixed-Use Plan (Google Project)**

Dear Shannon Hill,

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review the Downtown West Mixed-Use Plan (Google Project) and submits the following comments:

- The Transportation Analysis (TA) for the proposed project should include existing local and regional transportation facilities such as expressways and unincorporated areas, maintained by the County and using both LOS and VMT methodologies. The EIR based on the TA should identify and mitigate all project traffic impacts on County road facilities.
- Please submit a Transportation Demand Management Plan for County review and comment.

Thank you for the opportunity to comment on the NOP/EIR. If you have any questions about these comments, please feel free to contact me at (408) 573-2462 or [ben.aghegnehu@rda.sccgov.org](mailto:ben.aghegnehu@rda.sccgov.org).

Sincerely,

Ben Aghegnehu  
Associate Transportation Planner  
County of Santa Clara | Roads & Airports

**From:** [Donna Wallach](#)  
**To:** [Hill, Shannon](#)  
**Subject:** Downtown West Mixed Use Plan - File Nos. GP19-009, PDC19-039, AND PD19-029  
**Date:** Thursday, November 21, 2019 8:44:55 AM

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[External Email]

Hello,

This is my public comment:  
Donna Wallach

I am very concerned about this plan. I'm very concerned about the thousands of people who will be displaced, myself being one of them. I'm also very concerned that this plan will cause humongous traffic into the downtown area, making it very difficult to drive in the downtown, causing lots of waste of time waiting in traffic and also causing severe pollution.

Thank you,  
Donna Wallach

--

*"Nobody in the world, nobody in history, has ever gotten their freedom by appealing to the moral sense of the people who were oppressing them."*

Assata Shakur

**Free Palestine!**  
**Right of Return to Palestine for all Palestinians!**

**Free all political prisoners!**

**Leonard Peltier** [www.WhoIsLeonardPeltier.info](http://www.WhoIsLeonardPeltier.info)  
**Mumia Abu-Jamal** [www.FreeMumia.com](http://www.FreeMumia.com)  
**Ruchell Cinque Magee** <http://denverabc.wordpress.com/prisoners-dabc-supports/political-prisoners-database/ruchell-cinque-magee/>  
**MOVE 9** <http://onamove.com>  
**and thousands more**

**End Solitary Confinement**  
<https://prisonerhungerstrikesolidarity.wordpress.com>

**End United States of Amerikkka invasions and occupations**  
**U.S. Government and UN Occupation Force Soldiers - Hands off Haiti!**  
<http://www.haitisolidarity.net/>

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**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

November 21, 2019

Shannon Hill  
Department of Planning, Building and Code Enforcement  
City of San Jose  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113-1905

RE: Downtown West Mixed-Use Plan – Notice of Preparation

Dear Ms. Hill,

Bay Area Air Quality Management District (Air District) staff has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Downtown West Mixed-Use Plan (Plan). The Plan requires a General Plan Amendment, Planned Development Rezoning, and Planned Development Permit for the redevelopment of approximately 84 acres of the Diridon Station Area Plan (DSAP) area in San Jose. The project applicant, Google LLC, proposes the following uses for this Plan: 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 (e.g., retail, cultural, arts); up to 300 hotel rooms; up to 800 rooms of limited-term corporate accommodations; approximately 100,000 GSF event center; approximately 115,000 GSF for up to two central utilities plants; and approximately 100,000 GSF for logistics warehouse(s).

Air District staff support high-density mixed-use development projects near transit that have the potential to reduce air pollutant and greenhouse gas (GHG) emissions. The Air District has worked for many years to improve air quality and health in San Jose and continues to do so today. Since the San Jose community has long been disproportionately impacted by air pollution and is identified as a priority community through our Community Air Risk Evaluation (CARE) program and, more recently, through our Community Health Protection Program per Assembly Bill (AB) 617, the Air District is concerned about the potential for any increase in emissions that could result from this project.

Air District staff recommends the EIR include the following information and analysis:

- **As identified by the Air District’s CARE program and our Community Health Protection Program, the San Jose community is currently cumulatively impacted with air pollution, which makes additional air pollution a potentially significant localized impact.** We recommend that the EIR use a very conservative significance threshold to evaluate impacts and mitigation requirements for this Plan.

**ALAMEDA COUNTY**  
John J. Bauters  
Pauline Russo Cutter  
Scott Haggerty  
Nate Miley

**CONTRA COSTA COUNTY**  
John Gioia  
David Hudson  
Karen Mitchoff  
Mark Ross

**MARIN COUNTY**  
Katie Rice  
(Chair)

**NAPA COUNTY**  
Brad Wagenknecht

**SAN FRANCISCO COUNTY**  
Gordon Mar  
Shamann Walton  
Tyrone Jue  
(SF Mayor’s Appointee)

**SAN MATEO COUNTY**  
David J. Canepa  
Carole Groom  
Davina Hurt

**SANTA CLARA COUNTY**  
Margaret Abe-Koga  
Cindy Chavez  
(Secretary)  
Liz Kniss  
Rod G. Sinks  
(Vice Chair)

**SOLANO COUNTY**  
James Spering  
Lori Wilson

**SONOMA COUNTY**  
Teresa Barrett  
Shirlee Zane

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

Connect with the  
Bay Area Air District:



- 
- **The GHG impact analysis should include an evaluation of the Plan's consistency with the most recent draft of the AB 32 Scoping Plan by the California Air Resources Board and with the State's 2030 and 2050 climate goals.** The Air District's current recommended GHG thresholds in our CEQA Guidelines are based on the State's 2020 GHG targets, which are now superseded by the 2030 GHG targets established in SB 32. The EIR should demonstrate how the Plan will be consistent with the Scoping Plan.
  - **The EIR should estimate and evaluate the potential health risk to existing and future sensitive populations within and near the Plan area from toxic air contaminants (TAC) and fine particulate matter (PM<sub>2.5</sub>) as a result of the Plan's construction and operation.** Air District staff recommends that the EIR evaluate potential cumulative health risk impacts of TAC and PM<sub>2.5</sub> emissions on sensitive receptors within and near the Plan area.
  - **The EIR should evaluate all feasible mitigation measures, both onsite and offsite, for air quality and GHG impacts.** The EIR should prioritize onsite mitigation measures, followed by offsite mitigation measures, within the Plan area. Examples of potential emission reduction measures that should be evaluated and considered include, but are not limited to:
    - Prohibiting or minimizing the use of diesel fuel, consistent with the Air District's Diesel Free By '33 initiative (<http://dieselfree33.baaqmd.gov/>).
    - Implementing green infrastructure and fossil fuel alternatives in the development and operation of the Plan, such as solar photovoltaic (PV) panels, renewable diesel, electric heat pump water heaters, and solar PV back-up generators with battery storage capacity.
    - Requiring construction vehicles to operate with the highest tier engines commercially available.
    - Providing funding for zero-emission transportation projects, including a neighborhood electric vehicle program, community shuttle/van services and car sharing, and enhancement of active transportation initiatives, among others.
    - Providing funding for expanding and improving bicycle and pedestrian infrastructure and projects that improve pedestrian access to transit, employment, and major activity centers.
    - Implementing a zero-waste program consistent with SB 1383 organic waste disposal reduction targets including the recovery of edible food for human consumption.
  - **The EIR should evaluate the Plan's consistency with the Air District's 2017 Clean Air Plan (2017 CAP).** The EIR should discuss 2017 CAP measures relevant to the Plan and show the Plan's consistency with the measures. The 2017 CAP can be found on the Air District's website: <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.



- **The EIR should evaluate the Plan's consistency with the City of San Jose Climate Action Plan.** The City adopted its Climate Action Plan, Climate Smart San Jose, in 2018. The EIR should analyze this proposed Plan's consistency with the City's Climate Action Plan.
- **The Air District's CEQA website contains several tools and resources to assist lead agencies in analyzing air quality and GHG impacts.** These tools include guidance on quantifying local emissions and exposure impacts. The tools can be found on the Air District's website: <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>. If the Plan requires a site-specific analysis, please contact Air District staff to obtain more recent data.
- **Certain aspects of the Plan may require a permit from the Air District (for example, back-up diesel generators).** Please contact Barry Young, Senior Advanced Projects Advisor, at (415) 749-4721 or [byoung@baaqmd.gov](mailto:byoung@baaqmd.gov) to discuss permit requirements. Any applicable permit requirements should be discussed in the EIR.

We encourage the City to contact Air District staff with any questions and/or to request assistance during the environmental review process. If you have any questions regarding these comments, please contact Josephine Fong, Environmental Planner, at (415) 749-8637 or [jfong@baaqmd.gov](mailto:jfong@baaqmd.gov).

Sincerely,

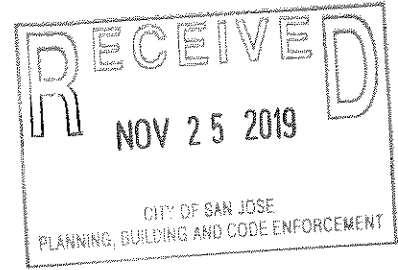


for

Greg Nudd

Deputy Air Pollution Control Officer

cc: BAAQMD Director Margaret Abe-Koga  
BAAQMD Secretary Cindy Chavez  
BAAQMD Director Liz Kniss  
BAAQMD Vice Chair Rod G. Sinks



November 19, 2019

Kim Welsh  
Deputy City Manager  
Director of Economic Development  
City of San José  
200 E. Santa Clara St.  
San José, CA 95113

**RE: Downtown West Mixed-Use Rezoning and Development Plan  
(Google Village Concept Plan)**

Dear Ms. Welsh,

This letter is the California High Speed Rail Authority's (Authority) initial response to Google's proposed Downtown West Mixed-Use Rezoning and Development Plan (Google Plan) submittal to the City of San José dated 10/10/19. We appreciate the City of San José's support for the California High-Speed Rail program and our on-going partnership to deliver high-speed rail passenger service to San José, the heart of Silicon Valley.

Given Google's expedited schedule to gain certification from the Governor, as a Leadership Project under Assembly Bill 900, we are in process of preparing a scoping letter to send to you of our comments by November 22, 2019 for consideration in the Google Plan Environmental Impact Report (EIR). This letter is intended to be a first high-level review of the application materials to date with the scoping letter being more detailed.

**Authority Support**

As a state project with a long lead-time, we appreciate the years of planning and outreach needed to prepare and approve the Diridon Station Area Plan (DSAP). The Google Plan fulfills a long sought-after city goal to attract a preeminent Silicon Valley tech company to Diridon Station. We're sure that working with Google as they bring their transformative vision of the future Silicon Valley to San José is both inspirational and daunting in scale and ambition.

The Authority is supportive of the City of San José's efforts to attract Google to the Diridon Station Area. It is consistent with Authority policy to attract employment and housing to downtown station areas. It advances city-regeneration and district-scale development consistent with the Authority's sustainability policies and our vision for how investment in transportation infrastructure and supporting land uses can shape a sustainable future for the State of California.

**Authority Feedback**

Authority engineers and planners have reviewed the Google Plan and we want to highlight our high-level feedback here. Beyond the points here, attached you will find a more detailed memo of our concerns and important considerations with the plan moving forward.

Interface with Plans for High-Speed Rail at Diridon Station

The Authority has been studying the route and infrastructure needed to bring high-speed rail service to Diridon Station since 2000. This has involved an extensive evaluation of alternatives and broad-based engagement in the community. After all of that effort, on September 17, 2019,

**BOARD MEMBERS**

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VICE CHAIR

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**Henry R. Perea, Sr.**

**Lynn Schenk**

**EX OFFICIO  
BOARD MEMBERS**

**Honorable  
Dr. Joaquin Arambula**

**Honorable Jim Beall**

**Brian P. Kelly**  
CHIEF EXECUTIVE OFFICER

GAVIN NEWSOM  
GOVERNOR





the Authority Board of Directors identified Alternative 4 as the Preferred Alternative for the San José to Merced Project Section. Alternative 4 utilizes a blended at-grade high-speed rail/electrified Caltrain configuration through Diridon Station. The Google Plan needs to accommodate the Authority's plans and needs for the rail corridor and station facilities and either meet or exceed the performance of station access facilities for all users of the station.

There are some consequences for Google's property from the preferred alternative, but they are substantially less than the other alternatives under study. At the same time, it is critical that Google's project does not propose buildings where future tracks and rail infrastructure need to be for high-speed rail to serve the station. If that land was used for development it would impose substantial risk and cost for the Authority's ability to serve Diridon Station, a joint objective of both the Authority and the City of San José.

Additionally, the Google Plan reconfigures the station environment that will impact passengers' ability to get to and from the station. The Google Plan creates an opportunity to comprehensively plan transportation and land use along the corridor to mutually benefit the transit partners, the City and Google development. We ask that Google's plans meet or exceed the performance of access facilities (as shown in the Authority's plans) needed to accommodate high-speed rail and other transit riders who will be using the station. We can provide the technical basis for the Authority's design work and look forward to coordinating with City Staff and the Google team to ensure mutual success.

#### Diridon Station Intermodal Concept (DISC)

We were disappointed that the Google Plan does not show an understanding of DISC. Working as partners in the DISC effort, the City and the Authority (along with VTA and Caltrain), have developed a vision for the future of Diridon Station as an integrated transit hub that provides substantial local, regional, and interregional transit service to the area while also being well-integrated to the surrounding community. It does not appear that Google's plans have taken any of that into account. This includes both space for transit facilities, the planning for access to the station (including what happens with Cahill Street), and the orientation of the proposed land uses away, instead of toward, the multi-modal hub.

As DISC anticipates the scale of Google's transformational development, the Google Plan needs to incorporate the scope of DISC. The Google Plan needs to anticipate the vision of DISC and support the realization of the DISC vision over time.

#### Land Use and Transit

Diridon Station is evolving into one of the largest transit hubs on the West Coast. This transformation is a key part of what attracted Google to San José. It is in our common interest to ensure that station facilities and access improvements are available to meet growth in transit demand with new development over time. It is also critical that public realm elements including plazas, streetscapes, and sidewalks, work cohesively to reinforce pedestrian movement within the site and through to the station.

The Google Plan needs to envision the station as the point of arrival to the City, with an identifiable, public space for the interchange of people and station access modes. This entrance to the city - a vibrant center of city life - needs to be welcoming and safe for people to connect, way find and orient to downtown. To maximize transit mode share, the pedestrian network needs to visibly extend and connect to the center of the surrounding districts and neighborhoods.

Land use considerations, including the amount and timing of development, parking supply and management, mode share and transportation demand management, will all have a significant impact on transit use. The Google Plan needs a coordinated approach to integrating land use and transit to ensure balanced growth in transit demand and capacity.

Transit and Rail Investment

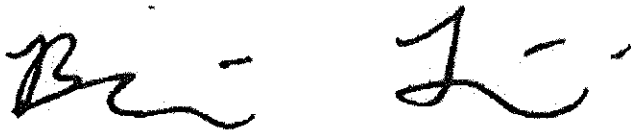
The transit partners are investing tens of billions of dollars to increase regional and statewide accessibility to Diridon Station, with significant economic, social and environmental benefits to the City of San José. However, bringing 20,000 jobs and thousands of housing units to the area will strain an already busy public transit system that serves the station and may not be feasible without additional investment in transportation infrastructure to meet this higher level of demand.

The Authority supports the City's action to create an impact fee to pay for one-time infrastructure costs in the station area per the HMM Infrastructure Study. We also support the City's consideration of other revenue sources to fund public infrastructure costs. Significant parts of the transit infrastructure needed to meet the new demand from this development are not fully funded. As such, we want to see station facilities and station access improvements included in the mix of public improvements that benefit development. Development needs to make reasonable, fair share contributions to impacts on transit service.

As the Diridon Station Area evolves as the gateway to the heart of Silicon Valley, becoming a vibrant and iconic urban Downtown environment, the long-term benefits of a coordinated program of investments in transportation infrastructure and the public realm will increase in value. Google participation in the creation of an innovative multi-modal transportation environment with high-speed rail service can create a new model for a sustainable and livable downtown fitting San José's vision as a global city.

Thank you for your consideration of our concerns. We look forward to our continuing collaboration with you and your staff to create both a great station facility and a supportive downtown neighborhood around it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Boris Lipkin', with a stylized flourish at the end.

Boris Lipkin  
Northern California Regional Director

**Comments on Proposed Downtown West Mixed-Use Rezoning and Development Plan**  
**California High Speed Rail Authority**  
November 8, 2019

The following comments are based on our engineering and planning review of the Downtown West Mixed-Use Rezoning and Development Plan (Google Plan) dated 10/10/19.

**1. Authority Preliminary Engineering for Project Definition**

a. Rail Corridor Right-of-Way

Ensuring sufficient right-of-way for current and future rail operations is a top priority for the Authority. The Google Plan needs to provide detailed information and coordination regarding the proposed Google Plan boundaries and building footprints to ensure that the development in the north, station and southern rail corridor areas does not conflict with the Authority's proposed preliminary engineering for project definition footprint. More detail is needed regarding note 3 in Exhibit 2.09 Illustrative Framework.

b. Impact on Authority Preliminary Engineering for Station Facilities

The reconfiguration of station facilities as shown in the Google Plan needs to be guided by the transit partners in conformance with their ridership, revenue, station facility and station access needs.

To optimize transit mode share it is essential for the Google Plan to reflect coordination with the Authority's preliminary engineering for the station and plans for how access will work for all transit providers. The Google Plan needs to address at least the following:

- Recognition of the location and orientation of the proposed BART station and BART station access
- Connectivity between Diridon Station and BART
- VTA Transit Center location and design
- Street network and design to facilitate curbside operations for pick-up and drop off for passengers, shuttles, taxis, transportation network company vehicles or regional buses
- Urban bikeway design that complements and does not conflict with station access and curbside passenger operations
- Align public space to accommodate station access for greater convenience and utility for transit users

The Google Plan also has no indication of potential Google bus routes or bus center. Disabled, Amtrak and commuter parking has been removed without any location for replacement parking. The VTA Transit Center is redesigned and relocated, displacing commuter parking, without consideration of access to BART from Diridon Station or future TOD or joint development at the station.

c. Impact on Authority Preliminary Engineering for Station Access

The Authority's plans for access to the station are based on a number of key parameters that are essential to a successful transit station and user experience. If Google is going to propose different approaches to station access, then we ask that they meet or exceed the performance achieved in the Authority's plans.

- i. Passenger Interchange Time. Minimizing transfer time and door-to-door travel time is an essential consideration for transit and high-speed rail travel choice. The Google Plan

needs to support the range of station access mode choices for high-speed rail passengers and other transit passengers.

- ii. Transportation Analysis. The Authority needs to see a comprehensive transportation analysis that identifies the benefits and impacts of the Google Plan's proposed plans on station access, including planned employment and residential population estimates with the buildout of the plan, TOD mode share and parking justifications, transportation demand strategies and the impacts of the reconfigured street network.
- iii. Connectivity to BART. The need for pedestrian crossings at Cahill Street between Santa Clara Street and San Fernando Street will conflict with heavy rail to BART passenger connectivity and safety. BART is the highest rail to rail transfer to the high-speed rail system. Crossing Cahill Street to connect transit modes contradicts the principles of the City's Vision Zero program. There needs to be a continuous and safe pedestrian environment for modal interchange.
- iv. Cahill Street. The extension of Cahill Street north from Santa Clara to Julian Street seems beneficial, as well as the extension of Cahill Street from San Fernando Street to Park Avenue, however the section of Cahill Street between Santa Clara Street and San Fernando Street needs to be a continuous pedestrian environment connecting the station with BART without crossing through vehicle movements. The street section is also not functional for the level of pick-up and drop-off anticipated with all of the services (including high-speed rail) that will use the station. A one-way, two travel lanes and one curb side lane configuration is more optimal for curbside operations. A single lane adjacent to the curbside lane will be hopelessly congested with maneuvering in and out of curbside spaces. Cars will double park and block on-coming street traffic. The Authority can provide a program of curb-side operations needed for station access for analysis and design. Protected bike lanes on the west side of Cahill Street will conflict with pedestrian movements for pick-up and drop-off. Authority preliminary engineering has bike lanes installed on the east side of Cahill Street to avoid this conflict.
- v. Stover and Crandall Streets. Authority preliminary station design proposes the extension of Stover Street and Crandall Street from Montgomery Street to Autumn Street for station access, whereas the Google Plan proposes to close these streets. The Google Plan does extend Cahill Street to Otterson Street, which is consistent with Authority plans for pick-up and drop-off. The Authority would like to better understand the impact on station access and mobility from these changes.
- vi. VTA Transit Center. Authority preliminary design shows the relocation of the VTA transit center to a new facility between Cahill Street, Crandall Street, South Montgomery Street, and West San Fernando Street to make space for a station hall, vertical circulation and direct pedestrian access to BART, all of which are precluded in the Google Plan. It would be beneficial for the Google Plan, or a transportation analysis, to show how the all of the transit providers' station access requirements can be accommodated in the Google Plan.
- vii. Displaced transit commuter parking. The Google Plan needs an agreement with the Transit partners on the displacement and replacement of transit parking.
- viii. Station Plaza. Locating a station plaza across Cahill Street away from the station diminishes the vitality and functionality of the plaza as a space for travelers to connect to other travel modes. The Google Plan only paves over the existing pick-up and drop-off area in front of the historic station. The Google Plan does not create a significant public

space that visually emphasizes the station nor shape a safe, contiguous pedestrian environment uninterrupted by vehicle travel.

## 2. DISC

Over the past year the four Partner Agencies - VTA, City of San José, Caltrain, and the California High-Speed Rail Authority - have been working with the Arcadius Bentham Crowl team to develop a vision for the Diridon Station, the Diridon Station Integrated Concept (DISC). As you know, DISC strives to coordinate the spatial layout of complex, inter-related transportation infrastructure projects that fit with the surrounding community.

- a. Incorporate Partner Agency Planning. The Google Plan does not show any awareness of the extensive, multi-year partner agency planning for the station area of DISC. The Google Plan can orient development in anticipation of the vision of DISC, or it can support the realization of the DISC vision over time. In either case, the Google Plan needs to incorporate DISC planning.
- b. Locate Station Plazas at the Station Entries. The DISC vision is a two-concourse vision with a main station hall at Santa Clara Street and a secondary station entrance at San Fernando Street. When realized, the Google Plan will be out of sync with the DISC vision by locating the station plaza where there is no station, at Stover and Crandall Streets.
- c. Close Cahill Street to Through Vehicle Traffic. To accommodate the vision of DISC, Cahill Street needs to be closed to through traffic between Santa Clara Street and San Fernando Street. This is the primary pedestrian area for intermodal exchange of traveler to BART, VTA light rail, bus, shuttles, taxis, TNC's and pick-up and drop-off. A safe, pedestrian precinct area needs to extend at least a ¼ mile from the station, as a Vision Zero priority area for the City of San José.
- d. Lack of an Urban Destination Adjacent to New Intermodal Transit Station. The Google Plan does not create an urban destination adjacent to a new intermodal station, nor focus public space to visually emphasize the station. The Google Plan orients urban destinations towards the Los Gatos Creek. Buildings orient to the "Cultural Hub" and "Autumn Street to the Creek", or the "Green Meander and Neighborhood Plazas," which are internal campus circulation spaces, rather than towards a public space that faces the station.
- e. Orient Development to Transit. Transit-oriented development orients development to transit. As shown in the research, transit-adjacent development under performs in transit mode shift and parking reductions. For development to orient to transit means that buildings have their main entrance and address directly facing the public interchange space of the station. The three-character areas, as transit-oriented districts, need to be directly visible and accessible from the station. For example, Exhibit 2.09 the Illustrative Framework needs to show how travelers arriving by transit can directly see and access an event space for each character area. This would greatly advance the principle of connecting to transit and nature.

## 3. Land Use

- a. Timing of Development, Transit Demand and Service Capacity

Additional information is needed to understand the timing of development and demand for transit services for the build out of office and housing in the station area. This includes projected mode share, transportation demand management and phasing of development over time. The initial phase Google development could be ready for occupancy as early as 2025 – 2027 with buildout over several years. Caltrain electrification is expected by 2022, BART by 2030 and high-speed rail Valley to Valley service at the earliest by 2029.

Land use considerations, including the amount and timing of development, parking supply and management, mode share and transportation demand management, will all have a significant impact on transit use. There is a direct nexus between transit-oriented development and the increased demand for transit infrastructure. Growth in transit services will be needed to accommodate the future growth in mobility of people working, living and visiting the station area.

The Google Plan needs a coordinated approach with the City and transit partners to ensure balance growth in transit demand and capacity to ensure a sustainable and livable future for the downtown. The Google Plan needs to address any potential service gaps before BART and high-speed rail service comes on line to meet employment and residential transit demand. Transforming the station area from a predominantly auto-oriented to a transit-oriented, world-class multi-modal transit hub and gateway to Silicon Valley will take a highly coordinated land use and transit planning effort by our agencies.

b. Street Network

It is an Authority priority to ensure the street network is designed to accommodate the hierarchy of station access needs for all transit providers. Please see comments above on concerns with how the Google Plan works regarding the reconfiguration of the street network and street sections.

c. Placemaking

The Google Plan needs to envision the station as the point of arrival to the City, with an identifiable, public space for the interchange of people and station access modes. This entrance to the city - a vibrant center of city life - needs to be welcoming and safe for people to connect, way find and orient to downtown. To maximize transit mode share, the pedestrian network needs to visibly extend and connect to the center of the surrounding neighborhoods.

#### 4. Policy Considerations

a. Performance Measures

Shifting travel behavior from single occupant vehicles (SOV) to transit requires attractive travel alternatives to be available prior to the demand for travel. The City, with the partner transit agencies, would benefit by identifying performance measures to shift travel behavior to leverage the synergy with constraining parking capacity and the availability transit. Applying VTA's performance measures are a good starting point.

From a transportation agency perspective, we encourage the City to focus Google's transportation demand management program for employment and residential uses on the expansion of public transit services, rather than expansion of private commuter bus service. The Authority needs to see Google's proposed transportation demand management strategy to plan for future ridership.

b. Transit and Rail Investment

The Authority is highly supportive of attracting significant investment to the station and station area consistent with Authority policy and partner agency interests. The Authority supports the City's action to create an impact fee to pay for one-time infrastructure costs in the station area per the HMM Infrastructure Study we funded to evaluate public infrastructure needs in the station area.

The transit partners, funded by Federal, State and regional funds, are investing billions of dollars to increase regional and statewide accessibility to Diridon Station, with significant economic, social and environmental benefits to the City of San José. Development in the Diridon Station area will also directly benefit from public investment in transit as an alternative to traffic congestion that saves travel time and cost as well as reduces greenhouse gas emissions.

We support the City's consideration of other revenue sources to fund public infrastructure costs. Future transit services and facilities at Diridon Station, however, are not fully funded. We want to see station facilities and station access improvements included in the mix of public improvements benefitting development. Development needs to make reasonable, fair share contributions to impacts on transit service.

As the Diridon Station Area evolves as the gateway to the Capital of Silicon Valley, becoming a vibrant and iconic urban Downtown environment, the long-term benefits of a coordinated program of investments in transportation infrastructure and the public realm will increase in value.

Google participation in the creation of an innovative multi-modal transportation environment with high-speed rail service can create a new model for a sustainable and livable downtown fitting San José's vision as a global city.



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EXECUTIVE DIRECTOR

November 22, 2019

City of San Jose  
Department of Planning, Building and Code Enforcement  
Attn: Shannon Hill, Environmental Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113  
Email: [shannon.hill@santoseca.gov](mailto:shannon.hill@santoseca.gov)

Dear Ms. Hill:

Thank you for providing the opportunity to comment on the Notice of Preparation (NOP) of the Environmental Impact Report (EIR) for the Downtown West Mixed-Use Plan (Google Project). The Peninsula Corridor Joint Powers Board (Caltrain) has reviewed the NOP and associated development plans and provides the comments below for consideration. Please note that Caltrain may submit additional technical comments on the project itself outside the NOP process, and looks forward to collaborating with the City, Google, and other stakeholders as the Google Project proceeds.

### **Diridon Integrated Station Concept (DISC) Integration**

As you know, the California High-Speed Rail Authority (CHSRA), Santa Clara Valley Transportation Authority (VTA), the City of San José, and Caltrain (Partner Agencies) are working together on a plan to expand and redesign Diridon Station. This effort, known as DISC, has been underway since summer/fall 2018 and has included a significant amount of public involvement and input. Most importantly, based on these discussions, the Partner Agencies have given their input and arrived at a recommendation that would allow the development of a world-class transit center that provides smooth connections between modes and integration with the surrounding neighborhoods. This future transit center must also accommodate the thousands of new jobs and residents in the area that result from the proposed development. The partner agencies released the recommended concept layout on November 15, 2019.

**PENINSULA CORRIDOR JOINT POWERS BOARD**  
1250 San Carlos Avenue  
P.O. Box 3006  
San Carlos, CA 94070-1306 (650)508-6269



Caltrain therefore requests that the Draft EIR analyze the proposed project as it relates to the DISC recommended concept layout. For example, the Draft EIR should evaluate how the project might be changed to accommodate the additional land required along the railroad right-of-way to meet future rail service needs consistent with the DISC recommended concept (10 tracks and five platforms). That is just one example of how the proposed development patterns may change as a result of DISC implementation.

We understand that Google's team is working diligently with the DISC design team to potentially integrate design features. However, the overall need for consistency and close coordination between the Google Project EIR and DISC process remains. Most importantly, incorporating the DISC analysis will allow decision makers to better understand the differences between the Google proposal and the recommended DISC design and come to an informed decision.

### **Need to Assess Impact on Rail Capacity, Rail Infrastructure and Transit Services**

As noted in the NOP, Google's project calls for 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 rooms of limited-term corporate accommodations; an approximately 100,000 GSF event center; up to two central utilities plants totaling approximately 115,000 GSF; and a logistics warehouse(s) of approximately 100,000 GSF; all on approximately 84 acres. The proposal also includes conceptual infrastructure, transportation, and public open space plans.

In other words, there will be tens of thousands of additional people in the project area when the Google Project is fully built out. Compared to San Jose's adopted General Plan, there will be a substantial increase to the daytime and nighttime populations in the immediate Diridon Station area. Caltrain agrees that the Diridon area is the right place for type this project, and fully supports the balance of land uses proposed. The project also appears to do a good job proposing the improvements necessary to handle the increase in bicycles, pedestrians, and vehicles in the area. Furthermore, it is our understanding that the City of San Jose has impact fees that quantify the impact of this project on the local transportation infrastructure (roadways, sidewalks, bike lanes, etc.) and assess a fee consistent with the project's impact.

While we understand that a portion of the increased population in the immediate area may be “shifted” from other areas of proposed growth in the General Plan, the closer people are to a transit center, the more likely they are to use transit. In order

to fully and adequately assess the project's impact on the area's transit services, Caltrain believes the EIR must quantify the impact the project has on rail infrastructure and the overall demand for transit services.

The analysis must look at the impact of this project in two distinct ways. First, given the discrepancies between the DISC design and the Google design, Google's proposed project may be encroaching on the rail right-of-way necessary to support this level of development. In collaboration with the DISC team, the EIR should identify the land that will be necessary to provide increased rail capacity and transit services. Second, the EIR should also determine the increase in transit ridership that will result from this project and quantify the increase in transit infrastructure necessary to support this development. When that is determined, the project applicant should be required to pay their fair and proportional share and dedicate the land necessary to construct the rail improvements that are required to support the Google Project in its entirety.

Finally, Caltrain recommends that the EIR consider the effects of the proposed project on existing and planned compensatory mitigation/ creek restoration projects in the study area. For example, JPB has constructed riparian habitat mitigation at the Los Gatos Creek Bridge, which is adjacent to a site proposed for development by Google. Such development could have direct or indirect impacts (such as shading of vegetation or stormwater runoff) that could affect JPB's mitigation commitments (which at Los Gatos Creek involve 10-years of monitoring and corrective action requirements if success criteria are not met).

### **Cumulative Impacts**

The evaluation of cumulative environmental impacts in the EIR should incorporate a reasonable future scenario that includes construction of the DISC-recommended concept rail improvements. The NOP notes that existing noise sources (including Caltrain) will be addressed in the noise analysis but does not address how future changes in noise sources will be analyzed. For example, potential noise impacts to new development adjacent to the railroad should account for increased rail service frequency by all operators at Diridon, the change from at-grade to elevated structures and the increase in the number of tracks. Noise mitigation should be required for buildings where noise impacts are anticipated in accordance with City requirements.

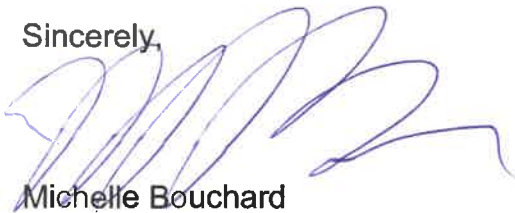
Ms. Shannon Hill  
November 22, 2019  
Page 4

**Responsible Agency**

The NOP identifies JPB as a potential responsible agency. We look forward to receiving additional information from the City during the EIR process on the specific discretionary approvals anticipated to be needed from JPB to facilitate the proposed project.

Caltrain looks forward to continuing to collaborate with the City, the Partner Agencies and with Google. Thank you for allowing Caltrain to provide NOP comments, and feel free to contact me with questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MB', with a stylized flourish at the end.

Michelle Bouchard  
Chief Operating Officer, Rail

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4  
OFFICE OF TRANSIT AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D  
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November 22, 2019

SCH # 2019080493  
GTS # 04-SCL-2019-00689  
GTS ID: 17507  
SCL/87/5.807

Shannon Hill, Environmental Project Manager  
City of San Jose  
Department of Planning, Building and Code  
Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113-1905

**Downtown West Mixed-Use Plan (Google Project) – Notice of Preparation (NOP)**

Dear Shannon Hill:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Downtown West Mixed-Use Plan (Google Project). We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the NOP of an Environmental Impact Report (EIR).

**Project Understanding**

The proposed project includes a General Plan Amendment, Planned Development Rezoning and a Planned Development Permit for the development of up to 5,900 residential units; up to 7,300,00 gross square feet (GSF) of office space; up to 500,00 GSF of active uses such as retail, cultural, arts, etc.; up to 300 hotel rooms ; up to 800 rooms of limited-term corporate accommodations; an approximately 100,000 GSF event center; up to two central utilities plants totaling approximately 115,000 GSF; and a logistics warehouse(s) of approximately 100,000 GSF; all on approximately 84 acres. The proposal also includes conceptual infrastructure, transportation, and public open space plans.

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 Almaden Street, and Royal Avenue to the east; Auzerais Avenue to the south; and Sunol Avenue, Diridon Station, and the Caltrain rail line to the west. The project also includes the area bounded by Los Gatos Creek to the west, San Fernando Street to the south, the Guadalupe River to the east, and Santa Clara Street to the north. The site is within a planned Priority Development Area.

### **Travel Demand Analysis**

Please submit a travel demand analysis that provides a vehicle miles travelled (VMT) analysis resulting from the proposed project. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies using efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. Please ensure that the travel demand analysis includes:

- A vicinity map, regional location map, and site plan clearly showing project access in relation to the State Transportation Network (STN). Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way (ROW). Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
- A VMT analysis pursuant to the City's guidelines. Projects that result in automobile VMT per capita greater than 15% below existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.

- Analysis of the impacts of transportation network companies (TNCs) on VMT, and ways to mitigate these impacts.
- Clarification of the intensity of events/receptions to be held at the location and how the associated travel demand and VMT will be mitigated.

With respect to the local and regional roadway system, provide project related trip generation, distribution, and assignment estimates. To ensure that queue formation does not create traffic conflicts, the project-generated trips should be added to the existing, future and cumulative scenario traffic volumes for the intersections and freeway ramps listed below. Potential queuing issues should be evaluated including on-ramp storage capacity and analysis of freeway segments near the project; turning movements should also be evaluated. In conducting these evaluations, it is necessary to use demand volumes rather than output volumes or constrained flow volume.

- Intersections and Ramps:

#### **Route 87**

NB 87 on-ramp from Park Ave/Woz Way (\*AM metered)

NB 87 on-ramp from W Julian/James St (\*AM metered)

NB 87 on-ramp from W Taylor St (\*AM metered)

SB 87 on-ramp from Auzerais Ave/Delmas Ave (\*PM metered)

SB 87 on-ramp from EB W Julian St - diagonal (\*PM metered)

SB 87 on-ramp from W Taylor St (\*PM metered).

NB 87 off-ramp to Santa Clara St

NB 87 off-ramp to Julian St

NB 87 off-ramp to Taylor St

SB 87 off-ramp to Julian St

SB 87 off-ramp to Park Ave

SB 87 off-ramp to Taylor St.

#### **Route 280**

NB 280 on-ramp from Bird Ave (\*AM metered)

SB 280 on-ramp from Bird Ave (\*PM metered).

NB 280 off-ramp to Bird Ave

SB 280 off-ramp to Bird Ave.

### **Route 880**

NB 880 on-ramp from NB Route 82 (The Alameda) (\*metered)

NB 880 on-ramp from Coleman Ave. (\*metered)

SB 880 on-ramp from NB Route 82 (The Alameda) (\*PM metered)

SB 880 on-ramp from WB Coleman Ave. (\*PM metered)

NB 880 off-ramp to Route 82 (The Alameda)

NB off-ramp to Coleman Ave.

SB 880 off-ramp to Route 82 (The Alameda)

SB off-ramp to Coleman Ave.

### ***Multimodal Planning***

The project's primary and secondary effects on pedestrians, bicyclists, travelers with disabilities, and transit users should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access for pedestrians and bicyclists to transit facilities must be maintained. These smart growth approaches can be consistent with MTC's Regional Transportation Plan/SCS and would help meet Caltrans Strategic Management Plan targets.

### ***Vehicle Trip Reduction***

From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as **Place Type 1b: Urban Centers** where location efficiency factors, such as community design and regional accessibility, are strong. Given the place, type and size of the project, it should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures are critical to facilitating efficient site access. The measures listed below can promote smart mobility and reduce regional VMT.

- Project design to encourage walking, bicycling and transit access;
- Transit and trip planning resources such as a commute information kiosk;
- Real-time transit information system;
- Transit subsidies on an ongoing basis;
- Ten percent vehicle parking reductions;
- Charging stations and designated parking spaces for electric vehicles;
- Carpool and clean-fuel parking spaces;
- Designated parking spaces for a car share program;
- Unbundled parking;
- Showers, changing rooms and clothing lockers for employees that commute via active transportation;
- Emergency Ride Home program;

- Employee transportation coordinator;
- Secured bicycle storage facilities;
- Fix-it bicycle repair station(s);
- Bicycle route mapping resources;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would help meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at: <http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

### **Transportation Impact Fees**

The Lead Agency should identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT. The Lead Agency should also consider fair share fees for shuttles that use the public curb space.

The City should also ensure that a capital improvement plan identifying the cost of needed improvements, funding sources, and a scheduled plan for implementation is prepared along with the General Plan Amendment. Caltrans welcomes the opportunity to work with the City and local partners to secure the funding for needed mitigation. Traffic mitigation- or cooperative agreements are examples of such measures.



### **Construction-Related Impacts**

Potential impacts to the State ROW from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified in the EIR. Project work that requires movement of oversized or excessive load vehicles on state roadways requires a transportation permit that is issued by Caltrans. To apply, visit:

<https://dot.ca.gov/programs/traffic-operations/transportation-permits>.

Prior to construction, coordination is required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN.

### **Utilities**

Any utilities that are proposed, moved or modified within Caltrans' ROW shall be discussed. If utilities are impacted by the project, provide site plans that show the location of existing and/or proposed utilities. These modifications require a Caltrans-issued encroachment permit.

### **Lead Agency**

As the Lead Agency, the City of San Jose is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

### **Encroachment Permit**

Please be advised that any work or traffic control that encroaches onto the State ROW requires a Caltrans-issued encroachment permit. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed, dated and stamped (include stamp expiration date) traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Catharine Crayne at 510-286-6973 or [catharine.crayne@dot.ca.gov](mailto:catharine.crayne@dot.ca.gov).

Shannon Hill, Environmental Project Manager  
November 22, 2019  
Page 7

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Leong", with a long horizontal flourish extending to the right.

Mark Leong  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

# *Citizens for Environmental and Economic Justice*

## **CEEJ**

November 22, 2019

Shannon Hill  
Environmental Project Manager  
Department of Planning, Building and Code Enforcement  
City of San Jose  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José, CA 95113-1905

Dear Ms. Hill:

RE: Downtown West Mixed-Use Plan (Google Project) Notice of Preparation (NOP), San José, CA

Citizens for Environmental and Economic Justice is a 501(c)(3) organization that provides scientific assistance for disadvantaged stakeholders without the financial resources to hire scientists and experts to evaluate the environmental and health effects of development projects in their communities. CEEJ supports sustainable mixed-use projects that provide affordable housing, equitable environmental protection, employment opportunities, without displacing or gentrifying existing communities.

### **Background**

The project applicant, Google LLC submitted an application to be eligible for judicial streamlining per AB 900 under the California Environmental Quality Act (CEQA) on September 3<sup>rd</sup>, 2019.<sup>1</sup> The proposed project must comply with the 2019 CEQA Statutes and Guidelines per Sections §21178 - §21189, Chapter 6.5: Jobs and Economic Improvement through Environmental Leadership Act of 2011.

### **Project Description**

Both the NOP and the AB 900 Environmental Leadership Development Project Application for the Downtown West Mixed Use Plan include in the project description two proposed project site plans. The NOP states that the “Proposed Project” and the “Northern Variant” options will have same ranges of development as shown in **Table 1: Project Summary (p.6)**, but the Northern Variant would have a different geographic distribution of land uses, and “flex” land use designations in order to “maintain flexibility and ensure optionality would exist in the event that external factors in some ways limit full implementation of the project’s program” (p.9).

The project site includes an area of approximately 84 acres within the western portion of Downtown San Jose and the Diridon Station Area Plan (DSAP). The proposed project consists of the following: Rezoning, General Plan Amendment, Planned Development Permit for demolition of existing structures, and the development of office, retail, arts and cultural uses, residential, hotel, limited-term corporate accommodation, an event/conference center, up to two utility plants (district systems), logistics/warehouse, open space/setbacks, and public/commercial public parking (Table 1).

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<sup>1</sup> <http://opr.ca.gov/ceqa/california-jobs.html>

# *Citizens for Environmental and Economic Justice*

## **CEEJ**

CEEJ has concerns with the proposed project which includes the possible effects to affordable housing, accessibility, and renter protections. The homelessness rate increased 30-40% in the last two years in the county, with the highest increase among Latinos and women.<sup>i, ii, iii</sup> Renter protections are not given priority and continuously rolled back<sup>iv</sup>; while public land is sold to Google at a discounted rate. They are now the 3rd largest landowner in the county.<sup>v</sup> The potential loss of small businesses as 20,000 new tech jobs are created on a campus that provides housing, food, and entertainment, looms large as many of those small businesses serve vulnerable populations.<sup>vi, vii</sup> Per CEQA §15131, the EIR must disclose the “chain of cause and effect from a decision on a project through anticipated economic or social changes resulting from the project”. The significant amount of Google’s new retail, cultural center, and other types of business can potentially exacerbate blight in downtown San José. Furthermore, accessibility to public transportation is being reduced in vulnerable communities that rely on it the most. Consequently, this proposed project may cause the further loss of VTA routes as new employees prefer to use private busses as opposed to public transportation. Google should contribute to improving existing public services and infrastructure for social, economic, and environmental benefits.

CEEJ requests the EIR include the following information and analyses per CEQA §15121:

- **Project Description:** Clearly describe and decipher the “Proposed Project” and the “Northern Variant” options. The different geographic locations of the proposed land uses such as, the residential will have different environmental baseline conditions, and therefore potentially distinct environmental and health impacts. The project description must disclose the baseline year for the analyses: the approximate start date of the construction and demolition phases, and the total duration of the construction phases with the concurrent operational phases. The NOP states that the “construction is anticipated to occur in three phases within the project’s horizon year of 2040”. However, the AB 900 application states that construction may start as early as 2021 with the first phase opening in 2024, and “is expected to take at least ten years” for the entire development program. The EIR must disclose accurate information for an adequate CEQA analyses, and not based on assumptions for future expansion to be analyzed upon at a later date. (§15124, 15125)
- **Transportation:**<sup>2</sup> The EIR must include the following: If this project will impact current VTA services to disadvantage residents; any impacts along transit (BART, Cal Train, VTA) corridors that need additional revenues to accommodate increased capacity and maintain efficiency; traffic and safety impacts to neighborhoods within 5 miles; whether the employee buses and shuttle service have air quality impacts to neighborhoods and vulnerable populations if the shuttles are not zero emission. Mitigation measures must include the reduction of VMT.
- **Population and Housing:** The EIR must disclose indirect impacts such as the following examples: How will the proposed project impact vulnerable communities in the South Bay, including demographics and displacement? Whether this project will displace businesses that serve vulnerable communities? The effects of this project on other job sectors including police, health care, and fire fighters that will potentially commute long distances to work in San José.

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<sup>2</sup> “How the project will achieve at least 15 percent greater transportation efficiency, as defined in Public Resources Code section 21180(c), than comparable projects. The applicant shall provide information setting forth its basis for determining and evaluating comparable projects and their transportation efficiency, and how the project will achieve at least 15 percent greater transportation efficiency. For residential projects, the applicant shall also submit information demonstrating that the number of vehicle trips by residents divided by the number of residents is 15 percent more efficient than for comparable projects. For the purposes of this provision, comparable means a project of the same size, capacity and location type.” <http://opr.ca.gov/ceqa/california-jobs.html>

# *Citizens for Environmental and Economic Justice*

## *CEEJ*

- **Air Quality:** The EIR must disclose the City of San José as an AB 617 and CARE community and the cumulative health impacts to existing and future residents, especially sensitive populations. The analyses must include all the phases of the project: construction, demolition, operation, and concurrent phases which include stationary and mobile sources. Mitigation measures must be included for criteria air pollutants, fine particulate matter, and toxic air contaminants.
- **Hazards/Hazardous Materials:** The NOP states the project has numerous contamination sites per the Government Code section 65962.5 (Cortese List). The EIR must include the baseline conditions, the cleanup/remediation phases, and the emissions associated with the remediation to be included in the cumulative health risk assessment for all the phases of the project.
- **Utilities and Energy:** The NOP must analyze the impacts of up to two central utility plants on the project site, and include the impacts if the plants are not feasible on-site. In addition, the potential impacts of increased energy and water demands of this project must be included in the cumulative and growth inducing impacts, with the past, present, and future projects within the General Plan and the Diridon Station Area Plan.

Our goal is to ensure that everyone has an equal voice in the future development of our collective community and that concerns are properly address.

Thank you,

Joshua McCluskey



C.E.E.J Board Member

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<sup>i</sup> **Hispanic Foundation of Silicon Valley - Latino Report Card 2018**

<https://hfsv.org/download/document/611/2018SiliconValleyLatinoReportCard-Final.pdf>

<sup>ii</sup> **Report on Women Experiencing Homelessness in Santa Clara County - August 2018**

<https://www.sccgov.org/sites/owp/publications/Documents/Women-Homelessness-SCC-Final-Report-Aug-2018.pdf>

# *Citizens for Environmental and Economic Justice*

## **CEEJ**

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**<sup>iii</sup> County of Santa Clara - BUILDING HOMES, CHANGING LIVES: 2016 Affordable Housing Bond Progress**

<https://www.sccgov.org/sites/osh/HousingandCommunityDevelopment/AffordableHousingBond/Documents/Measure%20A%20Affordable%20Housing%20Bond%20Infosheet%202018%20FINAL.pdf>

**<sup>iv</sup> Citywide Anti-Displacement Strategy**

<http://www.sanjoseca.gov/index.aspx?nid=6366>

<https://www.surveymonkey.com/r/KFPCMJ8> - San José Resident Survey <https://www.surveymonkey.com/r/KDLMN8V> -

Encuesta de inquilinos actuales y anteriores en San José

**<sup>v</sup> 9/23/19 San Jose Diridon Station - Big Moves Design Workshop**

<https://static1.squarespace.com/static/5c38bcfdcc8fedd5ba4ecc1d/t/5d8e7457706def6fb4b5c313/1569617021947/190924+CM+Final+Presentation+-+For+Online.pdf>

**Google Diridon San Jose Development Project**

<sup>vi</sup> <http://www.sanjoseca.gov/GoogleProject>

<sup>vii</sup> <http://www.sanjoseca.gov/DocumentCenter/View/87765>

**BAAQMD**

[http://www.baaqmd.gov/~media/files/ab617-community-health/2019\\_0325\\_ab617onepager-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/ab617-community-health/2019_0325_ab617onepager-pdf.pdf?la=en)





November 22, 2019

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

**Re: Downtown West Mixed-Use Plan Notice of Preparation**

Dear Ms. Hill:

Thank you for the opportunity to comment on the October 2019 Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Downtown West Mixed-Use Plan (Google Project).

We understand the Google Project involves demolishing numerous buildings within an approximately 84-acre project site and the phased development of up to 5,900 residential units, 7,300,000 gross square feet (GSF) of office space, 500,000 GSF of commercial retail space, 300 hotels rooms, 800 rooms for limited-term corporate accommodations, 100,000 GSF of event center space, 115,000 GSF for utility plants, and 100,000 GSF of logistics warehouse space. We also understand that the City has submitted an Environmental Leadership Development Project Application pursuant to Assembly Bill (AB) 900 (AB 900 Application).

Based on our understanding of the Google Project, we offer the following comments on the scope of the environmental analysis.

**1. Project Description**

The California Environmental Quality Act (CEQA) requires an accurate, stable and finite project description to enable evaluation of potential impacts of a proposed project and determination of appropriate mitigation measures. The NOP includes a range of anticipated project components, including residential, office, retail, hotel and limited-term corporate accommodations, event center space, a central utility plant, and a logistics warehouse. The AB 900 Application (pages 10-11) provides additional information on anticipated project phasing and project variants. The project description should accurately describe the anticipated phasing for the Project and the EIR should also discuss how each development phase will align with the implementation of necessary improvements as mitigation for project impacts. The EIR should also clarify the timeline for the Google Project. Generally, the NOP and AB 900 Application indicate a 9- to 10-year construction window, with construction anticipated to conclude by 2030, but the NOP also references 2040 as the project's horizon year.

Additionally, the NOP and AB 900 Application state the Google Project will include up to two central utility plants totaling approximately 100,000-115,000 GSF that would provide power generation, possibly include an electrical distribution system with embedded renewable energy

generation and storage, and possibly include wastewater treatment facilities. The project description must provide stable, detailed information regarding the proposed onsite power generation and potential wastewater treatment facilities to enable the public to understand and comment on the full scope of the Google Project's environmental impacts.

Please also provide information in the project description related to whether the Project will utilize the environmental clearance capacity included within the Downtown Strategy Update 2040 EIR, and the extent to which San Jose intends to tier environmental review off of that or other relevant EIRs.

## **2. Transportation and Circulation**

### **a. General Comments**

The City of Santa Clara understands that the EIR will identify the transportation impacts of the project on the existing local and regional transportation system and the planned long-range transportation network based on the City of San Jose's Transportation Analysis Policy (Council Policy 5-1). Consistent with Policy 5-1, the transportation analysis should include both an analysis of vehicle miles traveled (VMT) to analyze impacts under CEQA and a local transportation analysis (LTA) per the City of San Jose's Transportation Analysis Handbook to evaluate the project's effect on the local transportation network. The LTA will include an evaluation of the project access, circulation, parking, Congestion Management Plan conformance, and multi-modal facilities. Santa Clara would like to review and comment on the scope of work related to the local transportation and VMT analysis to be prepared for this project.

To the extent the EIR identifies significant transportation impacts under CEQA, the EIR will need to identify clear and specific mitigation obligations with identified funding mechanisms to address environmental impacts affecting not only San Jose, but also its neighbors in Santa Clara.

In addition, relevant approved and pending projects within Santa Clara needs to be included in the traffic analysis under background and cumulative scenarios, respectively. Attached is the list of both approved and pending projects within the City of Santa Clara.

### **b. VMT Analysis**

Santa Clara assumes the City of San Jose will analyze VMT impacts in accordance with the thresholds provided in its 2018 Transportation Analysis Handbook. For general employment uses, the City of San Jose places the threshold of significance at a 15 percent reduction in regional average per employee VMT. Due to the size of the project, its potential for significant cumulative impacts, and the fact that a 15 percent reduction may not achieve State climate goals,<sup>1</sup> Santa Clara

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<sup>1</sup> OPR's 2018 Technical Advisory discusses that the CARB 2017 Scoping Plan – Identified VMT Reductions and Relationship to State Climate Coals found that “per-capita light-duty vehicle travel would need to be approximately 16.8 percent lower than existing, and overall per-capita vehicle travel would need to be approximately 14.3 percent lower than existing levels under that scenario.” (OPR Technical Advisory on Evaluating Transportation Impacts in CEQA, p. 11, available at [http://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf).) Fehr & Peers



requests that San Jose evaluate whether a more stringent reduction in average per employee VMT be used as the threshold of significance, or whether a citywide or countywide average VMT be used as the baseline instead of a regional average. Such an evaluation would ensure VMT impacts are adequately analyzed and mitigated, if necessary.

c. Local Transportation Analysis

Page 20 of the NOP states that “The EIR will examine the existing traffic conditions in the immediate vicinity of the project site.” Due to the magnitude of the proposed development, Santa Clara believes that the Project will likely have transportation impacts beyond the “immediate vicinity” of the Project. Consequently, Santa Clara requests that the scope of the Transportation Analysis be expanded beyond the “immediate vicinity.” Specifically, local operational analysis at signalized intersections using level of service and delay are requested at intersections further than a half-mile from the project site contrary to what is stated in San Jose’s Transportation Analysis Handbook as this is a large mixed-use development with potentially significant regional traffic impacts. The City of Santa Clara uses criteria of the VTA TIA Guidelines as a basis for determining study intersections. Accordingly, municipal and CMP intersections with ten or more project trips per approach lane should be analyzed including along the corridors of Stevens Creek Boulevard, Coleman Avenue, El Camino Real, Newhall Street, Pruneridge Avenue within Santa Clara.

The local transportation analysis should also include an analysis of bicycle and pedestrian facilities in terms of their availability, project effects on future bike/pedestrian plans, transit delay analysis, and improvements proposed by the project. Maps and information on existing and planned bicycle facilities within Santa Clara can be found on the City’s website at:  
<http://santaclaraca.gov/government/departments/public-works/engineering/committees/bicycle-and-pedestrian-advisory-committee>.

In the local transportation analysis, please also provide information about the proposed event center in terms of operations and what the expected level of programming will be.

d. Regional Bicycle and Pedestrian Multi-Modal Connections

The NOP discusses that the Google Project would promote bicycling and pedestrian modes of transportation and improve linkages to existing trails. Santa Clara requests that the EIR fully analyze the extent to which bicycle and pedestrian trails will interconnect to regional bicycle and pedestrian trails to ensure these modes of transportation are supported and will be improved on a regional scale, and not simply within the City of San Jose alone.

e. Increasing Service Demands on Multi-Modal Transit

published a memorandum on OPR’s SB 743 Implementation Thresholds Assessment (F&P Memorandum). The F&P Memorandum notes that the 16.8 and 14.3 percent reductions themselves are dependent on MPO RTP/SCS targets being met and cautions this may not be a reasonable assumption for CEQA purposes. (F&P Memorandum, pp. 14-15, available at <https://www.febrandpeers.com/wp-content/uploads/2019/03/Thresholds-Evaluation.pdf>).

Due to the scope of development, it appears likely the Google Project will significantly increase service demand on Valley Transportation Authority (VTA) and other means of multi-modal transit, including Caltrain, Altamont Corridor Express (ACE), Amtrak Capitol Corridor, Amtrak Coast Starlight, Amtrak Thruway Bus, Monterey-Salinas Transit, Santa Cruz Metro, DASH Downtown Area Shuttle, Greyhound Lines, Megabus, and employer shuttles, as well as BART, once completed. Per the City of San Jose's Supplemental Memorandum regarding the sale of city-owned properties in the Diridon Station Area to Google, dated November 11, 2018, the Google Project would conservatively lead to the direct generation of 20,000 jobs at full buildout and indirectly lead to the generation of another 63,500 jobs in the greater San Jose area; these numbers are anticipated to rise significantly due to increased building heights, which will allow greater density within the Project area. The Google Project will also include 3,000-5,900 residential units.

The EIR must fully analyze the impacts of increased ridership arising from the Google Project on multi-modal transit and provide mitigation for these impacts. As noted above, this analysis also needs to discuss how the phasing will align with improvements and implementation of mitigation measures. Additionally, the NOP anticipates that the BART service to Diridon Station will begin in 2030, the same year the last phase of the Google Project construction is projected to conclude. The EIR should include analysis of transit impacts arising from the Google Project prior to completion of the BART extension, and if completion of the BART extension is delayed. It is reasonably foreseeable a delay in completing the BART extension will further increase dependence on other forms of transportation and exacerbate those impacts.

f. Settlement Agreement Compliance

Per the terms of the Santana West settlement agreement, any impacts found at protected intersections, including Winchester Boulevard / Stevens Creek Boulevard, which will also impact traffic in the City of Santa Clara will require payment of fees to be used for transportation system improvements to alleviate the increased traffic congestion in Santa Clara. A clear explanation of (1) how potential impacts to protected intersections are analyzed and (2) how traffic fees are calculated should be included in the Transportation Analysis. Additionally, any offsetting improvements should be identified with specificity and be coordinated with the City of Santa Clara. Further, the secondary impacts of implementing these improvements should be identified.

g. Fair Share Contribution

Fair share contributions should be required for impacts found along roadways and/or intersections, including along expressways.

### **3. Land Use and Planning**

Due to the size and projected density contemplated for the Google Project, Santa Clara requests thorough discussion and analysis of the Google Project's cumulative impacts and consistency with other planning documents. Santa Clara understands that the General Plan and Diridon Station Area Plan will be amended to encompass the Google Project. However, it is not clear how the Google



Project and its contribution to cumulative growth will impact the growth and planning assumptions in other City of San Jose planning documents. Because the Google Project may result in population growth, displaced housing, and a substantial increase in indirect employment growth in the greater San Jose area, it is possible that development in surrounding areas may surpass the amount of growth anticipated in existing planning documents. Accordingly, Santa Clara requests that the EIR include robust discussion and analysis of the Google Project's impacts on the assumptions made in other planning documents, including the Downtown Strategy and the North San Jose Development Policy. For example, the North San Jose Area Development Policy has assumptions regarding the build-out of Downtown San Jose. Please provide information about how the proposed Project will affect past approvals by the City of San Jose.

#### 4. Cumulative Impacts

Given the size and scope of the Project and its potential to have wide-reaching impacts, Santa Clara requests robust analysis of the Google Project's cumulative impacts on surrounding areas.

#### 5. Scope of Incentives

Based on the draft MOU between the City and the Google Project applicant, it appears that the City of San Jose represents it will require Google to fully pay all applicable fees, charges, and taxes in accordance with standard payment requirements and that no City funds are to be expended on the Google Project. Santa Clara requests the EIR provide a transparent discussion regarding the scope of any direct or indirect incentives provided to the applicant by the City of San Jose or confirm that no direct or indirect incentives were provided.

\* \* \* \* \*

The City of Santa Clara appreciates the opportunity to comment on the scope of the EIR for the Google Project. We look forward to working with the City of San Jose as it examines the Google Project's environmental impacts.

Best Regards,



Andrew Crabtree  
Director of Community Development

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

**City of San Jose**

**Planning Building and Code Enforcement**

Attn: Shannon Hill, Env. Project Manager

200 East Santa Clara Street, 3<sup>rd</sup> floor

San Jose, CA 95113

RE: Downtown West Mixed-use Plan, Google EIR, GP19-009, PDC 19-039 & PD19-029

The Diridon Area Neighborhood Group (DANG) hereby submits our comments to the EIR scoping process. The list of items to consider can be found below:

- Public Services - Fire Station, the City of San Jose has had issues with calls for service times being out of compliance. The addition of such a large project and the City needs to look at the coverage of Fire Stations throughout San Jose. The project also removed the Fire Training Center site and this must be adequately studied.
- Public Services – Fire truck access and proper firefighting trucks with high-rise ladders and equipment for this type of development in proximity to the existing neighborhoods.
- Public Services - Public Parks, this project needs to adequately look at the proposal to ensure that green space have a much higher weighted public value than plazas and true up the exact square footage of park space versus stormwater runoff mitigation.
- Public Services – Public Safety, concerned about school children from Delmas Park walking across Highway 280 at Bird Avenue.
- Transportation – Mobility plan needs to include studying the movement of cars, buses, bicycles, scooters, pedestrians, ride-sharing, etc. An example of this issue is the separation of pedestrians and bicyclists from automobile traffic. The Los Gatos Creek Trail needs to be studied for safety.
- Transportation – Construction Impact Mitigation Plan for 10 plus years of development.
- Transportation – Street configuration must be studied for connectivity to existing neighborhoods such as Hannah Gregory.
- Noise – Construction noise for 10 plus years of development, construction work hours
- Cultural Resources – Building Heights, historic and non-historic structures will be in close proximity to buildings that will be causing shade and shadow on them.
- Energy – Reconfiguration of PG&E Substation and relocation of 15kv lines from Otterson Street.
- Energy – Study the issues from Google’s own energy center, does the cogeneration plant use natural gas to power it. How does the venting of this facility work and how will it affect the surrounding neighborhoods?

- Land Use and Planning – Streets proposed does not conform to the land use policy of Complete Streets.
- Utilities – Study capacity issues of PG&E substation after Google development.
- Transportation – Pedestrian and vehicle separation from Google development impacts on current and future rail tracks.
- Transportation – Bird/280 interchange needs to be studied; the impact of this project will produce an increase in greenhouse gas from the congestion.
- Energy – Utilities need to be studied for the safe layout of underground utilities. The gas lines need to be safely placed in the public right of way.
- Public Services – Project needs to ensure that the City’s policy of a 10-minute walk to park space is honored.

Thank you for taking the time to read our concerns,

Kathy Sutherland  
Laura Winter  
Edward Saum  
Sarah Springer  
Harvey Darnell  
Kevin Christman  
Mary Pizzo  
Norma Ruiz  
Bill Rankin  
Bert Weaver

November 22, 2019

Shannon Hill  
[shannon.hill@sanjoseca.gov](mailto:shannon.hill@sanjoseca.gov)  
Environmental Project Manager  
Planning, Building and Code Enforcement  
City of San Jose

Dear Ms. Hill

Here are the questions for the EIR for the Downtown West (Google) Mixed Use Village  
**GP19-009, PDC19-039, and PD19-029**

**Parks and Open Space**

The original Diridon Station Area Plan (DSAP) called for 8 acres of parks generally at the intersection of Los Gatos Creek with West San Carlos, on the west side. In addition, the DSAP called for green fingers.

Google has made presentations to community groups stating there is 16 acres of public open space. Yet, they state they have not determine the number of residences, so that don't know how much parkland there will be.

--Does this mean that 16 acres is the maximum open space and or parkland, and the ownership of the space will shift as the residential obligation changes? Or will additional parkland be dedicated as additional housing units are picked for development? Please clarify.

--Please provide a statement of what is required of this applicant for parkland. That is, does the sales agreement or Memorandum of Understanding specify the number of acres required to replace planned parkland? If not, what language is in these agreements. What parkland ratio will be charged for residential? Will it follow the number specified in Municipal Code of 3.0 acres per thousand? Or the General Plan's 3.5 acres per thousand?

--Please provide an accounting of the parkland and open space in this proposal.

--Please indicate which acreage will be deed restricted and dedicated as parkland owned by the city of San Jose. What is the acreage?

--Which will be deed restricted with an easement and still owned by Google?

--Will any of this "open space" be land designated "private recreation" and subject to closure at the discretion of Google (or its subsequent owners).

--What land is proposed for open space, owned by Google (or its heirs/assignees) and not deed restricted? In other words, how much is a land bank?

Considering the space between buildings, which of this land is considered open space by the applicant? What is the difference between creditable "open space" and "landscaping" typical of any commercial property? How will this difference be determined?

What portion of the open space is being considered "community benefits" ?

Are there any restrictions on the use of the non-city owned open space property? For example, time of day, day of week, active vs. passive recreation,

There has been some discussion of using the older buildings on Autumn as "community centers", "community serving", or available to non-profits. The map shows them surrounded by "open space" designation.

--Are these buildings expected to be dedicated to the city?

--Is the use by the community considered a "community benefit" in the sense of the discussion of community benefits at the Station Area Advisory Group?

--Are these buildings deed restricted in any way? Or are they serving as a land bank for future development?

## Toxics

The old Arena EIR and supplemental technical reports indicated that the parcel between SAP Arena and railroad tracks are very polluted from an 1880s coal making facility. Subsequently, tanks were installed on the site holding various petrochemicals. When the Arena was built, the site was capped rather than cleaned. The water table was determined to be near the surface.

--What are the toxics on the site?

--To what extent have they penetrated the upper water table? What if any plume exists?

--How would you remove the soil?

--If underground parking is proposed, what will protect the water table from further contamination?

--How will the water that seeps into the underground parking be pumped and cleaned?

--How many cubic yards of contamination soil and capping soil will be trucked away? To where? Along which route? How many trucks?

--How many gallons of water will have to be cleaned?

--What is the flow rate of underground water and how does that affect the risk of contaminated other water? How fast would a plume move? Does the water table at this site feed into the Los Gatos Creek/Guadalupe River?

Parcels south of the Alameda have been mostly industrial for over 140 years. Prior uses include a Foundry, lumber yards, car repairs, and pottery making. The properties generally have not redeveloped since 1970 and the introduction of stringent environmental laws. These areas are also known to have very high water table with high flow rates.

--Will each parcel be evaluation?

- Will the parcels no currently targeted for redevelopment be evaluated for contamination?0
- How will the toxics be removed?
- What risk of penetration to this upper water table?
- How will water that seeps into underground parking be treated?
- What is a typical amount of water in an underground lot? What is done with the water?

### **Water/Hydrology**

What is the height of the upper and lower water tables in each parcel?

How far down is drinking water in each parcel?

What is the flow rate of the upper water table and how does that affect constructability of underground parking?

When California High Speed Rail analyzed a tunnel solution through Diridon station, they published several reports and conducted soil analysis. They stated in the area generally bounded by West Santa Clara and Park, Autumn and Cahill that the flow rates and soils of were incompatible with constructing an underground station. They believe it *could* be constructed, but that it would be very risky due to the watery soils. They described risks of collapse during construction.

--What is the hydrology of this area?

--What depth of underground parking is safely constructible? At what depth does it become risky?

--If the results are different that the claims of California High Speed Rail, please provide a comparison of their data and conclusions and the conclusions of the Google consultants.

During the presentation of the results of analysis of California High Speed Rail underground alignment, Mr. Rod Diridon presented a portion of the results. He stated that the tunnel would disrupt the flow of underground water and change the amount of water entering the adjacent Los Gatos Creek and Guadalupe River from these underground streams. He reported that this would increase salt water intrusion into the Guadalupe River and into the soils of North San Jose due to reduced flows.

--Under what circumstances are creeks and rivers dewatered by underground construction?

--Please provide examples. Please describe how underground water changed direction, created springs, or disappeared.

--Please provide an analysis of the risk of dewater.

--What are the cumulative impacts at build-out of the risks of dewatering?

--How is the risk increased by the depth of the underground structures? By the size of the barrier between upstream and downstream? Does connections between underground structures, eg. connected parking lots, create greater risk of dewatering?

--How will the risk of dewatering be monitored ?

--How will post-construction flows be measured and monitored and how will it be remediated if it turns out the construction contributes to dewatering of the Los Gatos Creek or Guadalupe River?

What is done with water that is pumping out of underground parking structures?



Is the volume monitored? Is it cleaned?

How is it replaced within the underground water table, if at all?

Please provide a total estimate of water pumped from underground structures at build out.

In the past, subterranean structures have been built that severed subterranean water flow. For example, the I-280/Hwy 87 interchange is partially depressed below the level of the soil and into the water table. Also Interstation 880 near The Alameda is depressed. In both cases, the freeways disrupted the flow. The underground creek at I-880 was severed, eliminating historic flows in Santa Clara and water spills into the freeway at a site Caltrain calls a "spring." Similarly, the water table at 87/280 was disrupted and there are seeps into the roadway. Caltrain must pump both locations continuously. Sometimes the flow rate is so great that drivers are affected. Happily, the impacts were to Caltrans itself and they pay the consequences (although drivers are sometimes dangerously impacted by the wet roadways).

--If the subterranean structures sever the underground flow, or divert the flow so that pre-existing buildings or structures are impacted, how will that be measured or compensated?

--What responsibility/culpability does the applicant retain to mitigate or repair impacts caused by severing the flow of this underground river?

--What data will be collected to protect the applicant and the community from frivolous lawsuits but will mitigate predictable impacts?

### **Historic**

The proposal provide for retaining multiple buildings along Autumn Street to provide a "sense of place." Various current documents describe these older buildings as "historic." The City of San Jose's Redevelopment Agency analyzed these buildings as part of the Baseball Stadium EIR and determined that most were not "historic" under San Jose's Municipal Code and the standards of California and the Federal Government.

--What has changed?

--Which, if any, of these older buildings are "historic" and under what criteria, city, state, or national? How is this different from the prior analysis?

--Which, if any, of these buildings will be placed on the various registers and deed restricted?

--Will the underlying GP designations requested for these parcels allow for redevelopment into high density housing or commercial activity? If so, is that being analyzed in the various impacts?

## Traffic

The proposal calls for reopening a street next to SAP Arena through a toxic wasteland. The applicant may determine that this cost prohibitive.

--Will the traffic impact analysis be conducted with and without the reopening of this street?

--How will the change of the Autumn/Montgomery couplet affect the Traffic Management Plan for the Arena?

--After conversion of Autumn to one lane each way, what is the expected travel time from Bird/West San Carlos to Autumn/SAP Arena?

--What fraction of the traffic north of SAP Arena along the new Cahill is expected to turn right into the Shasta Hanchett neighborhood on the other side of the Railroad tracks?

How many thousand per day?

--Please provide an analysis of traffic at three milestones. Please include an estimate of private "Google" buses.

1) Built out with current transportation support.

2) Built out with BART, Caltrain at 2030 levels (mid-growth), and no HSR.

3) Built out with BART, Caltrain, HSR and automated to the Westside.

The northernmost zone—tucked up behind Coleman center along the railroad tracks is isolated with a single egress and without roadway connections across rail track or other parcels.

--Please provide an analysis of the amount of time needed to evacuated under fire conditions

--Please provide an analysis of alternative routes of evacuation and what it would take to make it so.

--Please provide a discussion of the Autumn Parkway and whether it will ever be built or will the plan be abandoned? What triggers will cause the parkway to be built? Please analyze traffic impacts with and without the built-out Autumn Parkway. Please clarify the impact on the SAP Arena traffic management plan.

Thank-you,

Jean Dresden



November 22, 2019

Via email to: [Shannon.hill@sanjoseca.gov](mailto:Shannon.hill@sanjoseca.gov)

Shannon Hill, Environmental Project Manager  
San Jose Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113-1905

Re: **Comments on Notice of Preparation (NOP) of Draft Environmental Impact Report (DEIR) for Downtown West Mixed-Use Plan (Google Project)**

Dear Ms. Hill,

On behalf of the Board of Directors of the Guadalupe River Park Conservancy, GRPC, I would like to submit this letter which included comments on what GRPC believes should be included in the DEIR analysis.

We are the City's non-profit partner and governing body of the Guadalupe River Park (GRP) and Guadalupe Gardens. Our mission is to support activation of all of the parks within our purview. We are appreciative that Google has engaged us in their planning process and we applaud their desire to both enhance and maintain existing parks, while creating new recreational opportunities and connections for community enjoyment and use.

We have also been participating in the Station Area Advisory Group (SAAG) process and applaud the City's efforts to make the process as inclusive as possible. We have expressed in those meetings that the Guadalupe River Park Master Plan should be reflected in the documentation and analysis going forward. Due to our park's proximity to the Google project site and the fact that future employees and residents will utilize our parks and trails daily, we believe including the Master Plan as a regulatory document during the process is imperative.

Pertaining to the NOP, we want to correct Figure 1. The area north of Coleman Avenue depicted is actually the Guadalupe Gardens, which is within the Guadalupe River Park, just like Arena Green, Discovery Meadow, and McEnery Park farther to the south within Downtown proper. The Gardens is the home of the Rotary Children's Playgarden, Historic Orchard, Heritage Rosegarden, Community Garden, and our visitor and education center.

The project description in the NOP states that the project includes 16.8 acres of "open space and setbacks", which includes "all parks, plazas, green spaces, mid-block passages, and riparian setbacks." We wonder if that is a 100-foot riparian setback or a reduced

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438 Coleman Avenue  
San Jose, CA 95110  
408-298-7657  
[guadalupeconservancy.org](http://guadalupeconservancy.org)  
EIN: 77-0166797

setback as is allowed Downtown by the City's Riparian Corridor Setback Policy with a biologist's concurrence.

We also wonder how much of the 16.8 acres is expected to be used for riparian corridor purposes. The City's policy allows trails within the setback as well as other passive recreational uses such sitting and picnic areas, interpretive features, etc. In fact, the policy states that "Multi-use trails should be located 10 feet from the riparian edge if feasible." We support these types of uses along the Guadalupe River and are hopeful that Google will include them in the 16.8 acres they are planning, especially since the Guadalupe River Trail is such an important commute route and recreational opportunity. We also agree with allowing trails within 10 Feet of the riparian edge – we find that the trails closest to the river are much less affected by homeless encampments compared to trails that are farther from the river.

GRPC is hopeful that the plazas, green spaces, and mid-block passages that lead to both the Los Gatos Creek and Guadalupe River are truly green rather than tunnel like streets and sidewalks between two tall buildings. These east-west corridors for pedestrians and bicyclists are imperative to connectivity and activation of the park and trails. To development them as inviting and comfortable corridors will increase use and activation – our mission for the Park.

We also support the creation of a new publicly-accessible north-south axis/Los Gatos Creek trail in the area. Los Gatos Creek flows into the Guadalupe River north of Santa Clara Street. We encourage Google and the City to consider connections of this new trail to the Guadalupe River Trail which is located on both sides of the river and travels north to Alviso and south to Virginia Street, with planned extensions through Willow Glen and the Almaden Valley. Commuters and recreational users will want to travel both north and south of this extension and luckily the Guadalupe River can provide connections to these far-reaching areas.

For this reason, we support the installation of the pedestrian bridge south of Santa Clara Street as shown on the project plans as long as all appropriate permits from the California Department of Fish and Wildlife, Army Corps of Engineers, and Regional Water Quality Control Board are acquired. Other connection opportunities should also be explored, especially if the trail is being considered one of the multi-modal measures to reduce traffic and parking requirements.

We do not see the proposed location for "an expansion and widening of the northern side of the existing pedestrian-bicycle bridge over Los Gatos Creek south of West Santa Clara Street" depicted on page 11. If the NOP is referring to the bridge within Arena Green, west of Confluence Park, this bridge does not traverse all the way to the Guadalupe River. We are supportive of such an extension of this bridge, which is included in our current Master Plan, but was never constructed due to funding constraints.

We are pleased to see that the DEIR will examine potential impacts of the proposed development to Los Gatos Creek and the Guadalupe River. Protecting these valuable resources and being stewards and advocates for the Guadalupe River are also part of our mission. We encourage that any trees to be replanted in proximity to either waterway be species that have

been propagated from existing tree species within the corridors. Additional native/appropriate plantings (with maintenance) within the corridors in areas devoid of vegetation or areas of non-native invasive species are also encouraged.

Page 20 of the NOP described under Section 14 states that the DEIR will evaluate whether the project would increase the use of existing parks or recreational facilities or its proposed similar facilities would result in adverse physical effects on the environment. This is important section of the DEIR and there should be a robust discussion of such impacts and feasible mitigation measures should be included. We anticipate and welcome a significant increase in use of the trail and our parks facilities as a result of the proposed project.

Mitigation measures for such impacts should include, but not be limited to, additional physical connections to the trail and our parks, directional signage, improvements to existing facilities including benches, trash enclosures, picnic facilities, landscaping, and innovative/implementable ways to reduce trash impacts to the facilities. Additional pedestrian and bicycle activity on streets that lead to the waterways would benefit from streetscape improvements that promote safe travel. New facilities should be constructed according to the requirements of the City and the Guadalupe River Park and Los Gatos Creek Master Plans.

In conclusion, we appreciate Google's inclusive process thus far and we look forward to future interactions throughout the environmental documentation phase and beyond. There has been talk of allowing the public to review the final DEIR project description prior to circulation. We support such an action which could lead to comments that focus on the vitally environmental issues rather than the project description.

Sincerely,



Jodi Starbird, Board President



Housing | Health | Children & Youth

November 22, 2019

Shannon Hill, Environmental Project Manager  
City of San Jose, Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3rd Floor Tower,  
San Jose CA 95113-1905

*Via e-mail:* shannon.hill@sanioseca.gov

**RE: Google Project (File No. GP19-00-, PDC 19-039, and PD 19-029)**

Dear Ms. Hill:

The Law Foundation of Silicon Valley writes to provide the following comments related to the EIR Scoping for the Google Project. Since Google announced its plans to build a tech campus at Diridon Station, we and other community members in San Jose have raised concerns about the impact that the tech campus will have on the displacement of low-income families from San Jose. We write to request that the City consider displacement as part of EIR scoping for the Google Project. Additionally, we suggest that the timeline of the EIR process be extended given the size and scope of the Project, and that both the Diridon Station Area Plan and the Downtown Transportation Plan will not be completed before the Project is approved.

**1. The Google Project Plan Does Not Adequately Address the Environmental Impact of Displacement**

The City should analyze the environmental impacts of displacement as it relates to the Google Project. Displacement is an environmental issue. The lack of affordable housing in Silicon Valley means service workers who make low wages will face displacement and likely be forced to commute from the Central Valley, adding to pollution, greenhouse gas emissions, traffic congestion, and other environmental dangers.

In fact, families are already being displaced by speculative development in anticipation of the Google Project, and many more families will be displaced once construction of the Project begins. The City must address the environmental impacts of this displacement, a direct result of the Google Project, and require Google to mitigate those impacts as part of their Development

Application. In the absence of a plan to house more people closer to the Project, which will create at least 20,000 jobs, the City must require Google to analyze the environmental impacts of people moving further and further away from San Jose, and how Google will mitigate those environmental impacts.<sup>1</sup>

The Google Project will exacerbate displacement already occurring in San Jose. Google's current proposal to build just 3,500 to 5,900 housing units is far below the number of housing units needed to address the impacts of its Project. One study found that an additional 5,284 affordable units, and another 12,450 market-rate units will be needed in the Diridon Station Area to prevent rapid rent increases.<sup>2</sup> Without a significantly higher commitment from Google to produce housing, renters could end up paying five times their current rent, an increased burden that would disproportionately affect communities of color in San Jose.<sup>3</sup> The EIR must consider this analysis in evaluating the environmental impacts of displacement, and the greater effects of this Project on the displacement of families from San Jose.

## **2. The Proposed EIR Review and Development Application Time Frame Should Be Extended**

The Google Project is one of the largest development projects ever contemplated in San Jose. The Project will dramatically transform the Diridon Station Area, and the entire City as a whole. The time frame for the environmental review process should be extended so that the City can adequately study, and the applicant can adequately mitigate, the negative environmental impacts of the Project.

We are deeply concerned that the Diridon Station Area Plan Amendments are happening concurrently and will be approved at the same time as the EIR and Draft Development Agreement. Additionally, the Downtown Transportation Plan will not be completed until before the Draft Development Agreement is finalized. Since both the Diridon Station Area Plan and the Downtown Transportation Plan inform what the Diridon Station Area should look like, we strongly believe both should happen *before* approval of the Google Project, not concurrently, and definitely not after.

The residents of San Jose should have the chance to shape what the Diridon Station Area, one of the most important transit hubs in California, looks like and how it meets their needs, and the Google Project should conform to that vision. Instead, the current timeline allows Google to dictate what the Diridon Station Area looks like to serve its corporate interests and forces the people of San Jose to conform to its plans.

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<sup>1</sup> *Defend the Bay v. City of Irvine*, 119 Cal. App. 4th 1261 (2004)

<sup>2</sup> *Id.* at 4.

<sup>3</sup> *Id.*

Therefore, we request that the City extend the time frame for review of the EIR and the Development Agreement until after the Diridon Station Area Plan Amendments and Studies and the Downtown Transportation Plan are completed.

We welcome the opportunity to discuss these comments with you further by contacting Nadia Aziz at [Nadia.aziz@lawfoundation.org](mailto:Nadia.aziz@lawfoundation.org) or (408) 280-2453.

Sincerely,

A handwritten signature in black ink, appearing to read 'NA' with a stylized flourish.

Nadia Aziz, Directing Attorney  
Law Foundation of Silicon Valley



Roland Lebrun  
Nov 22 2019

Dear Ms. Hill,

Thank you for the opportunity to comment on the DOWNTOWN WEST MIXED-USE PLAN (GOOGLE PROJECT). My comments are in **Bold**

Transportation/Circulation

*The project sponsor proposes to extend portions of certain streets across the project site and would also remove sections of other streets (see Figure 5). Notably, Cahill Street would be extended from its current terminus at West Santa Clara Street to Julian Street in the north (and to Park Avenue in the south) to enhance north-south connectivity throughout the length of the project site.*

**While I strongly support removing sections of streets, I am equally opposed to extending Cahill to Park because this would bisect the new station from the DSAP central zone. Specifically, the only north-south vehicular connection through the central zone should be Autumn Street, nothing else.**

*The project would extend North Autumn Street to the site's northern edge. Future access at the northern edge of the project boundary is being evaluated and may include an extension of Lenzen Avenue that would connect Lenzen Avenue to Cinnabar Street. North of the SAP Center, West St. John Street would be extended to connect with the lengthened Cahill Street.*

**I am opposed to lengthening Cahill Street north of Santa Clara. Please consider substituting this extension of Cahill with a street on the west side of the SAP parking lot to enable emergency vehicle access to the Caltrain tracks.**

*The project would add a block-long east-west extension of Post Street, a block-long east-west connection between the lengthened Cahill Street and South Montgomery Street, **As stated earlier, any extension of Cahill Street is undesirable and there is no need to connect it to Autumn Avenue. Autumn should be the only north/south connection between Santa Clara and Park Avenue.***

*and a new L-shaped street linking Royal Avenue and Auzerais Street through the project site.*

*The project would remove North Montgomery Street between West St. John and Cahill Streets, South Montgomery Street between West San Fernando Street and Park Avenue, and Otterson Street west of South Montgomery Street.*

*The project also proposes to remove Crandall and Stover Streets in front of the Diridon Station and expand the existing open space at that location.*

**Please additionally consider removing San Fernando between Cahill and Autumn and replacing it with open space.**

*The project also proposes to construct mid-block passages at several locations to facilitate pedestrian and bicycle access through the project site and break up the scale of larger blocks. The project would widen sidewalks and implement “road diets” (lane removal and reconfiguration) along Autumn Street, Montgomery Street, and Delmas Street, which also entails changing Autumn and Montgomery Streets from one-way to two-way operation and removing vehicular access on Montgomery Street south of San Fernando Street.*

*The project would also enhance streetscape and intersection design and implement new and improved bike facilities throughout the project area that prioritize pedestrian and cyclist safety and improve linkages to Downtown as well as other improvements aimed at enhancing transit access and ridership by leveraging the site’s proximity to Diridon Station, currently served by multiple transit agencies, and where existing and new transit providers are planning new or enhanced services in the future. Finally, the project would include a Transportation Demand Management (TDM) Plan describing strategies the project sponsor would adopt to reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. Compliance with the project’s TDM plan would be included as a condition of approval for the proposed project.*

*Vehicular and pedestrian/bicycle access points to and from project buildings has not been determined. Details regarding driveway locations and pedestrian and bicycle access will be reviewed by the City as specific building plans are developed.*

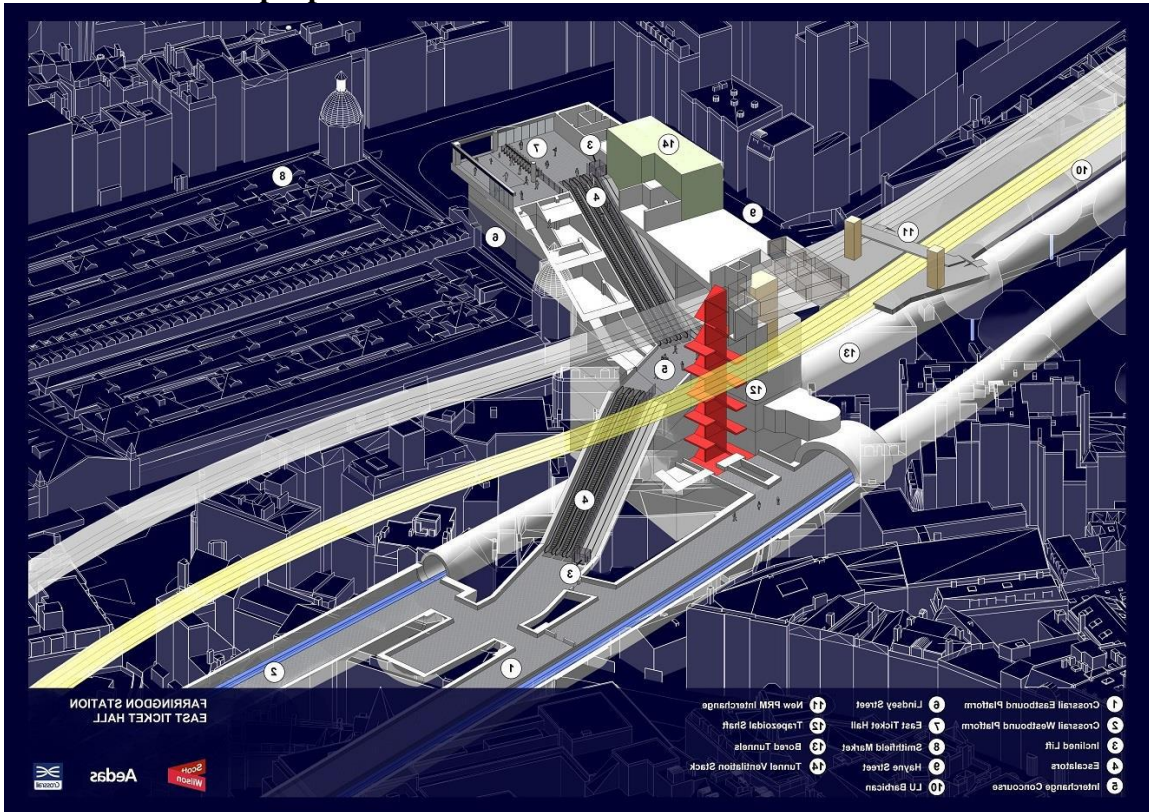
**Please consider eliminating conflicts between vehicular traffic and bikes and peds by depressing Santa Clara and Park and building a block of open space above each underpass immediately east of the tracks.**



Please earmark the southeast corner of the building at the junction of Autumn and San Fernando as the location of the airport connector south entrance.



Utilities should be coordinated with future Airport Connector project underground tunnel and station proposal.



Thank you in advance for your consideration

Roland Lebrun





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701 Lenzen Ave. San José, CA. 95126 • info@siliconvalleydebug.org • 408.971.4965

November 22, 2019

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

RE: Downtown West Mixed Use Plan, File Nos. 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 organizing against the displacement of San Jose communities. And, the recently formed 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.

We are writing to share what we believe should be included in the Environmental Impact Report for the Downtown West Mixed Use Plan, commonly referred to as the Google Project. As the entire project has been rushed through San Jose City approvals and community members with nothing to gain from these hasty approvals are largely left out of this conversation, it is imperative that this portion of the process include the following to have a complete understanding of the impact the Google Project will have on San Jose as a whole, and in particular low-income residents, people of color and immigrants who share this city as home.

We are requesting that these particular issues be included and analyzed in the Environmental Impact Report:

- **Cumulative Impact of Multiple Development Projects on the City.** Because the Google Project converges multiple projects including the BART expansion, changes to Diridon Station, High Speed Rail and significant changes to San Jose's General Plan and rezoning of land, a cumulative analysis on the impact of these multiple projects occurring simultaneously must be provided.
- **Google Project Impact to Housing Affordability.** The EIR should comprehensively address housing affordability issues and the impacts the Project will have on the housing supply and current residents both housed and unhoused, and especially low-income renters at greatest risk for displacement. The EIR should adequately analyze and identify any mitigation measures of the Project on the displacement of current low-income residents in San Jose and commit to development without displacement. Along these lines, a Job/Housing fit analysis should be conducted as well, since the Project is creating an induced demand for affordable housing given that the projected 5,000 housing units in the Project fall far short of the over 13,000 units necessary to house the 20,000 direct Google employees alone. Furthermore, the EIR should analyze the impacts of displacement on the environment.

- **Effects of Higher Income Jobs.** An accurate estimate of the proposed 20,000 jobs by type. Additionally, we believe the EIR should account for the nexus between higher income Google employees and the subsequent multiplier effect those jobs have on lower income service sector job generation. This multiplier effect will add many new jobs paying less than a sufficient wage to house such lower income workers locally, making it critical to study the social impacts of new high wage earners on existing low income communities.
- **Impact on Traffic and Transit Services.** The EIR should analyze the traffic impact of automobile trips, transit service. While the Project and the City promotes more pedestrian friendly areas and a people centric place, the analysis should include the potential automobile trips from rideshare apps like Uber and Lyft.
- **Impact on Water and Energy Use of the Project.** The EIR should analyze the water supply/sources, the adequacy of these sources, and the impact to our sewer systems and waterways due to the Project. A campus of this size will undoubtedly require more water and energy use.
- **Impact of Carbon Footprint.** Although the Google Project planning objective includes high levels of sustainability, high tech development is high carbon. Research out of the University of Pennsylvania tells us that residential density “led by tech companies and tech workers causes social displacement and has no climate benefit.”<sup>1</sup> A clearly outlined and adequate measure of emissions from the project needs to be provided.
- **Impacts of estimated space use.** The analysis must provide an accurate estimate of the number of employees and other users of the retail, event space, hotel, limited corporate accommodations spaces and more that the Project proposes. How will these spaces be continuously accessible to local and existing residents and what benefits and resources will be afforded especially to communities historically excluded from economic opportunities?
- **Health Impact Assessment.** Given the diverse socio-economic makeup of the City of San Jose, particularly the downtown area, the EIR should include a health impact assessment that looks comprehensively at health impacts of the Project.
- **Project Alternatives.** The EIR should also include an analysis of alternatives -- including a much scaled down campus, a campus where Google holds land in other parts of the city already, and a No Project Alternative considering the forecasted economic depression and the effects it will have on the most vulnerable residents of our city.

Furthermore, if these issues are not included, we would like to know why they will not be included in the analysis.

Sincerely,

Cecilia Chavez  
 Charisse Domingo  
 Elizabeth Gonzalez  
 Glen Maxwell  
 Rosie Chavez  
 Silicon Valley De-Bug

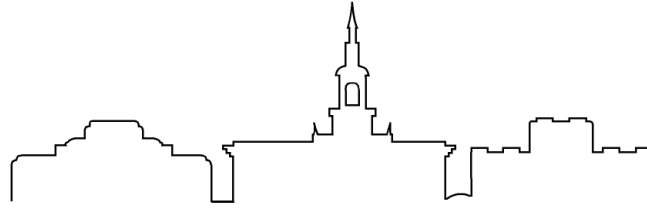
Sandy Perry  
 Affordable Housing Network

Robert Aguirre  
 South Bay Community Land Trust

Serve the People San Jose

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<sup>1</sup> Berger, Michele W. “When green ‘fixes’ actually increase the carbon footprint” March 8, 2019: <https://penntoday.upenn.edu/news/when-green-fixes-actually-increase-carbon-footprint>



## PRESERVATION ACTION COUNCIL OF SAN JOSE

*Dedicated to Preserving San Jose's Architectural Heritage*

November 22, 2019

City of San Jose  
Department of Planning, Building & Code Enforcement  
Attn: Shannon Hill, Environmental Project Manager  
200 E Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113

**EIR Scoping Input for Downtown West Mixed-Use Plan (Google Project)  
FILE NOS: GP19-009, PDC19-039 and PD19-029**

The Preservation Action Council of San Jose (PAC\*SJ) has reviewed the NOP of an EIR for the project known as Downtown Wet Mixed-Use Plan (Google Project), and is providing the following comments regarding the scope and content that should be included in the formal analysis of the environmental impact of this project:

PAC\*SJ supports this project in general for its provision of commercial, retail, and residential office space, retail, while also supporting the physical preservation and operational viability of the historic buildings and districts that fall within the immediate boundaries of this project, while also supporting the preservation of building and districts outside the project boundaries, but in the vicinity of the project.

Given the absolute mass and scope of this project and equally massive complimentary Diridon Station Area Project, PAC\*SJ wants the analysis of the environmental impact to be both broad and focused. To this end, PAC\*SJ recommends that an environmental impact study be performed on each individual building within the project footprint, while also broad enough to appropriately account for the cumulative impact to streets, neighborhoods and specific districts. PAC\*SJ's highest interest is in ensuring that all historic buildings and districts that are listed in San Jose's Historic Resource Inventory are analyzed as unique and irreplaceable regardless of their listing on the City of San Jose's Historic Resources

History Park, 1650 Senter Road, San Jose, CA. 95112

[www.preservation.org](http://www.preservation.org) • Tel: (408) 998-8105 • [info@preservation.org](mailto:info@preservation.org)

PAC\*SJ is a 501 (c) 3 non-profit organization. EIN: 77-0254542

Inventory (HRI), and regardless of the classification of any buildings listed on the HRI, from Structure of Merit through eligible and Registered City, State and National landmarks.

The following is a partial (non-exhaustive) list of buildings, historic districts and neighborhood areas which are within the project's boundaries or are located in proximity to the project for which PAC\* SJ would like a full historic/cultural environmental analysis:

Diridon Station Area (Diridon Train Station, Tunnels & Platforms, etc.)

Lakehouse Historic District

N. Autumn Historic Neighborhood (National Landmark Eligible)

Little Italy District (including Henry's HiLife Bar & Grill)

San Jose Water Works Building

Sunlite Bakery Building

Navlet's Building

Poor House Bistro Building

Patty's Inn Building

Kearny Pattern & Metal Works Building

Stephan's Meat Products (Historic Dancing Pig Neon Sign)

PAC\* SJ requests that the scope and content of the analysis of the cultural and historic impact of this project include massing, shadowing, parking, vehicle and pedestrian traffic volume, and any other items that might cause direct and indirect impacts to a historic building's or district's historic status, physical integrity and economic impact. PAC\* SJ believes that this analysis needs to take into account anything that would affect operational viability of a historic resource. For example, if a retail building is preserved within the project boundary, but removes



customer parking, the delivery of materials critical to the business, or other resources that are vital to meeting the establishment's ability to host customers, those impacts need to be forecast and analyzed with just as much importance as the physical impact to the structural integrity of a building.

PAC\*SJ also recommends that building or areas that are eligible for City State, and/or National landmark status, should be analyzed relative to the impact of being preserved in place, or if moved to a similar, nearby setting of similar context.

The Downtown Design Guidelines and Historic Design Guidelines require that new construction be respectful of existing historic buildings and not overpower existing historic buildings. While PAC\*SJ often argues against developments with disproportionate massing to the surrounding historic buildings, and argues for leaving buildings in their current context whenever possible, we are most concerned with any analysis that calls for the direct demolition of a historic building as this is the ultimate disrespect of our history.

Sincerely,

J. Michael Sodergren  
Vice President, Advocacy



**PLANT 51 HOMEOWNERS ASSOCIATION**  
San Jose, California

*via electronic mail*

November 21, 2019

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

**Re: Notice of Preparation (NOP) of Draft Environmental Impact Report (DEIR)  
Downtown West (Google) Mixed-Use Project**

Dear Ms. Hill,

On behalf of the Plant 51 Homeowners Association (Plant 51 HOA), please accept this letter as “scoping comments” in response to the NOP for the Downtown West Mixed-Use Project.

The Plant 51 community is located immediately to the west of the Project Site, behind Diridon Station along Bush Street. As such, our community is positioned to be especially impacted by construction and operation of the Project. The Plant 51 HOA, therefore, wishes to ensure that the DEIR thoroughly evaluates the potential environmental impacts of the Project to our community. Specifically, the following:

- **Transportation/Circulation:** Please evaluate the addition of project-generated vehicular trips to the queuing capacities of the Alameda/Stockton intersection. Existing traffic volumes already result in unacceptable waiting periods for pedestrian crossings at this intersection, which will only worsen with completion of several approved projects along Stockton Avenue. Moreover, this intersection already contributes to excessive queuing on The Alameda (eastbound) that obstructs a mid-block pedestrian crossing at Bush Street. Ultimately, it is critical that pedestrian and bicycle movement not be further impaired by vehicular congestion associated with the Project.

In this regard, the DEIR should analyze all known mechanisms to discourage new vehicular trips and encourage public transportation usage by employees and residents. For example, the DEIR should evaluate requiring employer/landlord-paid transportation passes (e.g., VTA SmartPass) for all employees and residents; severely restricting the creation of new parking facilities (and/or ensuring that such parking is appropriately priced) in order to minimize the “latent-demand” effect of providing free parking; and limiting the number of inbound vehicular trips into the Project Site tied to an ongoing trip monitoring mechanism.

- **Construction-Related Vibration and Noise:** Due to our community’s proximity to the Project Site, construction-related vibration and noise could obstruct the free use of property, particularly those residences with outdoor recreational spaces. The DEIR should evaluate the incorporation of the highest-degree of sound attenuation measures that will limit noise impacts. Of particular concern is pile-driving activity occurring during weekends, which would unreasonably interfere with the comfortable enjoyment of our homes. Lastly, we would also recommend placement of noise monitoring station(s) within our community to ensure ongoing compliance with noise-related mitigation measures.
- **Construction-Related Air Quality Risk:** Construction of the scale proposed by the Project will result in significant generation of dust, exhaust, and particulate matter. Our community houses many families with young children, elderly, and disabled individuals who are especially vulnerable to such contaminants. As with construction-related noise, we also ask that air-quality monitoring station(s) be placed within our community to ensure ongoing compliance with air quality-related mitigation measures.
- **Light and Glare:** Since it can be anticipated that many of the new structures will incorporate glass curtain wall sheathing, please ensure that the DEIR looks at the potential impact of solar reflectivity to our easterly-facing condominium units.

The Plant 51 HOA also hereby requests that the City send by electronic mail, if possible or U.S. Mail to the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report (“EIR”) is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
  - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
  - Notices of preparation of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21092.
  - Notices of availability of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
  - Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
  - Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.

- Notices of determination that a project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092, which requires agencies to mail such notices to any person or organization who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail, if possible, to \_\_\_\_\_ and \_\_\_\_\_. If notice must be provided by US mail, please address to:

Compass Management Group, Inc.  
ATTN: Daniel Oscarson  
77 Las Colinas Lane,  
San Jose, CA 95119510

We thank you for your consideration of these comments. If you have any questions, I may be contacted at \_\_\_\_\_ or by email at \_\_\_\_\_

Sincerely,



Elizabeth Fama  
Plant 51 HOA President

Cc: Dan Oscarson, Plant 51 Community Manager



Shannon Hill  
Department of Planning, Building and Code Enforcement  
City of San Jose  
Shannon.Hill@santoseca.gov

November 22, 2019

Re: Notice of Preparation for the Downtown West Mixed-Use Project (Google Project)

The Santa Clara Valley Audubon Society (SCVAS) submits the following comments in response to the City of San Jose Notice of Preparation of a Draft Environmental Impact Report for the Downtown West Mixed-Use Project (Google Project). The project will require a General Plan Amendment, Planned Development Rezoning, and Planned Development Permit 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 rooms of limited-term corporate accommodations; an approximately 100,000 GSF event center; up to two central utilities plants totaling approximately 115,000 GSF; and a logistics warehouse(s) of approximately 100,000 GSF; all on approximately 84 acres. The proposal also includes conceptual infrastructure, transportation, and public open space plans.

Here are our scoping comments:

1. Please provide in-depth description and characterize the baseline of the stream aquatic and riparian ecosystems and existing biological conditions along the Project reach of the Guadalupe River and Los Gatos Creek.
2. SCVAS is appreciative of the inclusion in the plan of expanded riparian setbacks along Los Gatos Creek. However, the San Jose Riparian Corridor Policy Study recommends a setback of 100-ft and we ask that impacts resulting from any encroachment into the 100-ft setback should be studied and analyzed.
3. Please analyze impacts of shading (from tall buildings) and glare (due to reflection from glass surfaces) on biological resources and the riparian forest of Los Gatos creek and the Guadalupe River.
4. Please analyze impacts to animal movement due to increased ambient lighting in the creek corridor. Please consider both indoor and outdoor lighting.

5. Please mitigate for use of outdoor LED lighting by using fixtures that produce Correlated Color Temperature (CCT) of no more than 3000. See <https://www.led-professional.com/resources-1/articles/hazard-or-hope-leds-and-wildlife> for additional recommendations.
6. Please study the risk of avian collision with buildings and other man-made structures.
7. Where new development encroaches into the 100-ft setback, we recommend the adoption of a "Habitat Overlay Zone" where the height of new buildings is limited to no more than 40-ft.
8. Please describe in full any anticipated work in Los Gatos Creek, and any flood mitigation "improvements". Please describe and analyze potential impacts to biological resources and the integrity of the riparian forest in Los Gatos Creek.
9. The Plan includes a new Bike-Pedestrian bridge across Los Gatos Creek. Please evaluate the biological and hydrological impacts of bisecting the creek with any new bridges, and consider avoiding such impacts by keeping all crossings to existing bridges. Please solicit comments from the California Department of Fish and Wildlife, the National Marine Fisheries Service the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers for any new bridges.

We thank you for the opportunity to provide scoping comments for this project,

Respectfully



Shani Kleinhaus, Ph.D.  
Environmental Advocate  
Santa Clara Valley Audubon Society  
22221 McClellan Rd.  
Cupertino, CA 95014  
650-868-2114  
advocate@scvas.org

**From:** [Colleen Haggerty](#)  
**To:** [Hill, Shannon](#)  
**Cc:** [Usha Chatwani](#)  
**Subject:** NOP for Downtown West Mixed-Use Plan (Google Project)  
**Date:** Friday, November 22, 2019 4:49:20 PM

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[External Email]

Shannon,

The Santa Clara Valley Water District (Valley Water) has reviewed the NOP of an EIR for the Downtown West Mixed-Use Plan (Google Project), received on October 23, 2019. Based on our review of the NOP, we have the following comments:

1. Valley Water owns fee title property and easements along Los Gatos Creek and the Guadalupe River within and adjacent to the project area. Based on the information in the NOP, elements of the project will occur on Valley Water property and/or easement. As per Valley Water's Water Resources Protection Ordinance, any work on Valley Water property or easements requires a discretionary Valley Water permit and requires Valley Water be considered a responsible agency under CEQA. Copies of the required CEQA documents for the project must be submitted to the District during the public review period for District review and comment as a responsible agency.
2. Redevelopment of the site offers the opportunity to further protect and enhance the riparian corridors along Los Gatos Creek and the Guadalupe River by maximizing the riparian setback within the project limits.
3. The project should follow the City's Riparian Corridor Policy as well as the *Guidelines and Standards for Land Use Near Streams*. Planting adjacent to the riparian corridor should be in accordance with Design Guide 3 for areas of aesthetic landscaping and Design Guide 2 for areas to be planted for riparian mitigation/restoration purposes.
4. The NOP notes an existing pedestrian bridge to the north of West Santa Clara Street is proposed to be widened, but it is not clear if this is the pedestrian bridge over Los Gatos Creek at Arena Green. Any improvements to this bridge as well as construction of the proposed pedestrian bridge over Los Gatos Creek south of West Santa Clara Street will require review and permit issuance by Valley Water. Bridges must be constructed in accordance with Valley Water's Water Resource Protection Manual. Please note that any mitigation plantings required for impacts to the creek by the project must be planted outside of Valley Water property.
5. The DEIR should discuss the need to upsize, replace, or install new outfalls as a part of the project.
6. A Water Supply Assessment (WSA) is required to be prepared by the City and incorporated into the EIR. Valley Water requests the opportunity to review the draft WSA to comment on the consistency with countywide water supply planning efforts; especially if future growth will be relying on the groundwater basin, which is managed by Valley Water. The WSA will need to determine if the additional growth allowed under this project is accounted for in the City's

Urban Water Management Plan. If not, the WSA will need to consider if total projected water supplies determined to be available by the City for the plan during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the project, in addition to existing and other planned growth.

7. Valley Water records note the existence of various wells throughout the project site. To protect groundwater quality and in accordance with Valley Water Ordinance 90-1, all existing wells affected by new or redevelopment need to be identified and properly registered with the Valley Water and either be maintained or destroyed in accordance with Valley Water's standards. Destruction of any well and the construction of any new wells proposed, including monitoring wells, requires a permit from Valley Water prior to construction. Property owners or their representative should contact the Valley Water Wells and Water Measurement Unit at (408) 630-2660, for more information.
8. Re-development of the site provides opportunities to minimize water and associated energy use by using recycled water, incorporating on-site reuse for both storm and graywater, and requiring water conservation measures above State standards (i.e., CALGreen). To reduce or avoid adverse impacts to water supply, the City and applicant should consider the following:
  - **Landscaping that exceeds the requirements of the City's water efficient landscape regulations;**
  - **Weather- or soil-based irrigation controllers;**
  - **Dedicated landscape meters;**
  - **Submeters for multi-family housing and individual spaces within commercial buildings;**
  - **Dual plumbing to facilitate and maximize the use of alternative water sources for irrigation, toilet flushing, cooling towers, and other non-potable water uses; and**
  - **Alternative water sources for non-potable uses including recycled water, stormwater, rainwater, and graywater.**

Please forward a copy of the DEIR to Valley Water when available. If there are any questions please let me know.

Colleen Haggerty, PE

Associate Civil Engineer

Community Projects Review Unit

Santa Clara Valley Water District

5750 Almaden Expressway, San Jose, CA 95118

(408) 630-2322 direct | (408)265-2600 main | [chaggerty@valleywater.org](mailto:chaggerty@valleywater.org) | [www.valleywater.org](http://www.valleywater.org)

\* Mailing address for FedEx, UPS, Golden State, etc.

Winfield Warehouse-5905 Winfield Blvd. San Jose, CA 95123-2428

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November 22, 2019

Via email to: [Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov)

Shannon Hill, Environmental Project Manager  
San Jose Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113-1905

Re: **Comments on Notice of Preparation (NOP) of Environmental Impact Report (EIR) for Downtown West Mixed-Use Plan (Google Project)**

Dear Ms. Hill,

Sharks Sports & Entertainment LLC (SSE), which operates SAP Center (the Arena) and owns the San Jose Sharks franchise, has been following Google's preliminary plans in the Diridon Station area for quite some time. We are excited about the historic opportunities that the Google Project brings to the City of San Jose, but we are also concerned about how the Google Project may impact the ongoing success of the Arena. It is in this context that we provide our comments on the NOP.

### **Background**

With over 175 events per year, SAP Center is one of San Jose's most consistent and impactful economic catalysts, bringing well over 1,500,000 visitors a year to the Downtown area, filling local restaurants and hotel rooms, supporting over 5,000 FTE jobs, and generating hundreds of millions of dollars in annual economic benefits to the City and the wider community.

Customers come to SAP Center from throughout Santa Clara, San Mateo, Santa Cruz and Alameda counties and beyond. Although transit opportunities may be improving for daily commuters, transit does not work well for Arena patrons who attend evening or weekend events on an occasional basis, especially if they are traveling with children or live in areas not convenient to public transportation. Thus, like most arenas and stadiums across the country, SAP Center must ensure that there is convenient vehicular access and adequate parking for its customers (including those who arrive via ride share or car share services) in order to remain successful.

The importance of SAP Center to the success of the Diridon area, and the importance of access and parking to the success of SAP Center, is acknowledged throughout the Diridon Station Area Plan (DSAP). In fact, one of the primary objectives of the DSAP is to **"ensure the continued vitality of the San Jose Arena, recognizing that the San Jose Arena is a major anchor for both Downtown San Jose and the Diridon Station area, and that sufficient parking and efficient access for San Jose Arena customers, consistent with the provisions of the Arena Management Agreement, are critical for the San Jose Arena's on-going success."**

Under the Arena Management Agreement (AMA) signed with the City last year, SSE has the right to lease the City-owned Arena and adjacent parking lots containing 1,422 parking spaces (Lots ABC) until 2040. In addition, the City is obligated to ensure that over 3,400 parking spaces are available for SAP Center customers on other properties within close proximity to the Arena, not counting the hundreds of spaces occupied by part-time event employees, daily commuters/office workers, and other visitors. The AMA also incorporates a Transportation and Parking Management Plan (TPMP), which provides a framework for event-day coordination and management of traffic and parking operations at and around the Arena.

Recognizing that Google has purchased many properties in the Diridon area and would like to purchase Lots ABC for its development, the City asked SSE to modify the AMA to accommodate the Google Project. Last year, SSE allowed the City to grant Google an option to purchase Lots ABC, to facilitate Google's planning efforts. We are continuing to work with Google and the City to develop transportation and parking solutions and other business arrangements that will allow Lots ABC to be developed as part of the Google Project, while ensuring the ongoing viability of SAP Center.

We deeply appreciate Google's sincere willingness to engage with us, especially the significant effort their team is making to understand the unique operational needs of SAP Center, and the joint work we are undertaking to find ways to preserve and enhance the fan experience at the Arena, especially as it relates to convenient access/circulation and parking supply.

Google's unique entitlement process for the Downtown West Mixed Use project is still evolving, as are our discussions. While this work continues, SSE offers the following comments to ensure that a thorough environmental review process under CEQA will be completed:

### **Project Site & Location**

- The project is described as being west of the SAP Center. It is important to clarify that the project includes on-site Arena Lots ABC, as noted above, which are part of SAP Center and integral to the building's successful operations.
- The description indicates that 40% of the project acreage has been used for vehicle parking. It should be noted that this contributes to the parking inventory the City must provide under the AMA.
- The current project boundaries may not accurately depict the range of development anticipated for the Google Project. It is not clear where Google intends to provide parking within the DSAP boundaries to replace lost parking on A, B and C or to provide other shared parking opportunities within the area required by the current DSAP that can support its basic objectives such as property described in the AMA as Lot E, which presumably will be included in the Local Transportation Analysis (LTA). The EIR should describe the DISC concept layout currently recommended by the Partner Agencies. The EIR should also describe the amount of land that would likely be taken from various properties for the tracks and station platforms, so that the range of land available for the Google Project can be more accurately assessed.
- Also, any streets that are proposed to be modified (per the discussion on Page 11 or as depicted on Figure 5) should be studied in the LTA, including N. Autumn Street. Again, we are curious as to why all potentially affected streets were not included in the project boundary.

- On Page 4 the NOP states that the City “is not expecting to make major changes to the primary objectives” of the DSAP. This implies that the Google Project will adopt those objectives, but it should be made explicit – specifically, that the Google Project will retain the primary objective to ensure the continued vitality of the San Jose Arena, as recited above.
- Although the DSAP primary objectives may not be substantially changing, in fact both the Google Project and the DISC planning process will result in dramatic, transformative changes to the Diridon area for both the built environment and operations. The amendments to the DSAP will therefore be substantial, as they will need to address the addition of substantially more development capacity and height, an enormous transit center with associated elevated tracks and station platforms, the implementation of shared parking and logistics centers, and so forth. The EIR should more fully explain this.
- The EIR should also more fully explain how the DISC planning will affect both the Google Project applications and the DSAP amendment process, including the interrelationship of those efforts and the potential effect on construction timing and phasing for each of them.

### **Project Description**

#### ***Development Program***

- We note that the scope of the project description does not appear consistent with the one included in the AB 900 application currently under review with by the Governor’s Office, especially with respect to parking and project schedule. The AB 900 application states that “up to” 3,650 parking spaces will be provided for commercial uses, whereas the City application provides for only “up to” 2,800 parking spaces for commercial use. We believe that the City application and project description for the EIR must be consistent with the AB 900 application in all respects, especially material development regulations like parking standards.

#### ***Northern Variant***

- On Page 9 the NOP acknowledges that one of the factors leading to the Northern Variant is the possibility that Google may be unable to exercise an option to purchase Lots ABC. While we certainly hope that we will be able to come to an acceptable agreement with Google and the City pursuant to which SSE would consent to Google’s purchase of Lots ABC, there is no assurance that this will occur as part of the current process. This section should acknowledge that if the entitlements ultimately do not include Lots ABC, those lots will remain designated as public/quasi-public for future land use decisions.
- Regarding potential delays caused by “ongoing use of the SAP Center’s surface parking lots during events” we would point out that such ongoing use will occur whether or not Google purchases Lots ABC. Such on-site parking must be allowed to continue, prior to any development of Lots ABC, unless and until replacement parking facilities acceptable to SSE are provided (along with satisfaction of other contingencies).
- The Google Project appears to be subject to so many major “external factors” that it may be difficult for the EIR to include a stable project description that meets the CEQA Guidelines, including a description of all potential environmental impacts and specific, feasible mitigation measures. As a result, this EIR may in effect be a program-level document rather than a project-specific document.

### ***Parking***

- The use of the phrase “up to” a certain number of parking spaces is confusing and potentially misleading. The number of parking spaces to be provided should be a fixed number, in order to support a stable project description.
- Based on the formula set forth in the City’s comment letter to Google dated November 8, 2018 (on the initial application submittal), the City’s current parking regulations for the commercial uses would initially require between 18,250 and 16,250 parking spaces to properly support the project (or between 7,738 and 6,890 parking spaces after an aggregate of 65% in potential reductions). Even the lowest parking space requirement based on current regulations is almost 2.5 times the “up to” 2,800 spaces proposed. The EIR should explain this inconsistency, and study any potential impacts associated with land use changes in the DSAP or zoning ordinance to make the proposed parking reduction conform.
- AMA Section 21.1.2 requires that the City “strive to include shared parking as a condition of development if necessary to mitigate the loss of parking.” The EIR should explain how the City intends to satisfy this requirement.

### ***Transportation/Circulation***

- It is important to identify the Arena Traffic and Parking Management Plan (TPMP) as the agreed-upon framework for event-day traffic coordination and operations in the SAP Center area. The importance of the TPMP needs to be recognized in the EIR in order to properly analyze transportation, parking and circulation in connection with arena events.
- The proposed changes to streets and circulation patterns are of particular concern to SSE. Traffic requirements under normal workday circumstances are very different than traffic requirements for Arena events. Any proposed changes must take into account the large influx of vehicles and pedestrians on event days. Any changes that cause material delays in ingress and egress times will have a significant negative effect on fan experience, and thus on the success of SAP Center.
- In particular, SSE is concerned about the apparent decision not to complete the extension of Autumn Parkway from W. Julian Street to W. Santa Clara Street. The DSAP considered the extension of Autumn Parkway to the Diridon area to be a key transportation element to serve the needs of the Diridon area development, and the Autumn Parkway extension project should not be abandoned without further study and justification.
- It is our understanding that current planning by the City would result in the closure of Cahill Street between W. Santa Clara and W. San Fernando. If this happens, the Google Project will need to identify an alternative north-south circulation route. This should be reflected in the proposed street grid changes shown on Figure 5, and the resulting impacts should be studied as part of the LTA.
- If Lots ABC are not part of the project (and therefore Cahill Street will not be extended northward), how will that affect the proposed street grid? This possibility needs to be addressed.

### ***Utilities***

- Likewise, if Lots ABC are not part of the project, it is unclear how the private utility corridor to serve the northern portion of the site would be routed. This alternative needs to be accounted for in the project scope.
- In addition, the EIR should describe and provide for maintenance of utility services to existing businesses and residents in the area without interruption.

### **Required Project Approvals**

- The list of City approvals should include potential acquisition of City parcels, such as Lots ABC as well as any vacated public rights-of-way.
- Assuming that SSE consents to the sale of Lots ABC to Google, the City Council would also need to agree to amend the AMA to delete Lots ABC from SSE's leasehold.

### **Potential Environmental Impacts of the Project**

#### ***Land Use & Planning***

- The EIR should study the potential impacts the project will have on surrounding businesses and neighborhoods (including potential impacts on the health and safety of Arena customers, nearby residents, and other persons in the vicinity), and include appropriate measures to fully mitigate any such impacts.
- The EIR must also demonstrate how the project is consistent with the objectives of the DSAP including the primary objective related to maintaining the viability of the SAP Center, as referenced above.

#### ***Transportation***

- We are pleased the EIR will study circulation and parking as part of the Local Transportation Analysis (LTA) and wish to remind the City that the AMA and other agreements with SSE include specific City obligations to study of these matters for projects near the SAP Center. Specifically, AMA Section 21.1.1 requires that the project "analyze and identify the projected parking demand, demand management strategies, and the parking supply to be provided by the project. The analysis would identify the impacts of the project on the existing parking supply within the Diridon Station Area, and suggest ways to mitigate the impact if it is deemed significant."
- In addition, the LTA should include a comprehensive parking inventory, and provide ways to avoid, minimize and mitigate any adverse parking effects on nearby residential or business communities. It should also include ways to protect pedestrian and bicyclist safety both during and after construction. Construction worker parking and parking lost due to construction staging and access must also be analyzed.
- The impacts studied should be evaluated in concert with the needs for the BART Diridon Station as well as SAP Center. This is especially important, since VTA is attempting to avoid providing any parking at Diridon for the future BART extension project, which failure is in direct conflict with the DSAP Final EIR and will have detrimental effects on SAP Center.
- Impacts studied should include an analysis of indirect impacts due to a lack of parking both during construction and in the long term. While air quality emissions can be generated due to the additional driving required to find parking, other indirect impacts include those related to pedestrian and bicycle safety problems resulting from illegal on-street parking, distracted driving, and congested pathways.

#### ***Other – Construction Impacts and Mitigation Plans***

- We wish to remind the City of the need to properly identify potential construction impacts to surrounding businesses and residents, and the need to provide project-specific construction

management mitigations and plans to reduce potential impacts. Among other things, a detailed Construction Management and Outreach Plan should be included as mitigation in the EIR. This will be a practical necessity for the City to be able to issue encroachment permits for the project in the future.

- Construction should be phased in a way that minimizes disruption to access and parking, the loss of on-street parking, and other construction-related impacts. This is especially true in light of future BART construction, which could result in cumulative impacts.

SSE looks forward to working in partnership with Google and the City to ensure the continued success of SAP Center as part of the transformation of the Diridon Station Area. We believe that with proper planning, the Diridon Station Area can support the Google Project, a multi-modal transportation center, and a successful world-class sports and entertainment arena.

Should you have any questions about these comments, please feel free to contact us.

Sincerely,



Jim Goddard  
Executive Vice President  
Government Affairs



Shasta/Hanchett Park Neighborhood Association  
P.O. Box 28634 • San José, CA 95159 • info@shpna.org • www.shpna.org

November 22, 2019

VIA EMAIL ([shannon.hill@sanjoseca.gov](mailto:shannon.hill@sanjoseca.gov))

Shannon Hill  
Environmental Project Manager  
City of San Jose  
Department of Planning, Building, and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113

Re: Downtown West Mixed-Use Plan (Google Project)  
Environmental Impact Report Scoping  
File No. GP19-009, PDC19-039, PD19-029

Dear Ms. Hill:

I am writing to you as the Vice President and Director for Planning and Land Use of the Shasta / Hanchett Park Neighborhood Association (S/HPNA), on behalf of the NA, with our comments on the scope of the proposed Environmental Impact Report (EIR) for the above-referenced project. S/HPNA represents 4,500 households immediately West of Diridon Station, in the Garden Alameda, Shasta / Hanchett Park, and St. Leo's neighborhoods. We are therefore directly adjacent to the Western boundary of the proposed Google Project. For more than thirty-five years, we have sought to work with the City of San Jose, developers, and our neighbors to create a vibrant neighborhood.

Given the scale of the Google Project, and the rare opportunity it presents to reshape an underutilized portion of West San Jose under the auspices of a single, coherent development proposal, the scoping of the EIR needs to be equally as broad and comprehensive. Therefore, we would like to offer the following items as points of consideration for the EIR:

- **Separating Means of Transportation:** How will the Google Project plan for unimpeded, equal access for vehicles, pedestrians, public transit, bicycles, and motorized scooters? Will this take the form of physically separated means of circulation / transportation? Compromising the safety, efficacy, and scope of non-vehicular access is unacceptable on even the smallest scale of projects. Given the potential for tens of thousands of new employees, residents, and visitors to be traversing the Google Project footprint daily, coherent and seamless circulation should be a primary focus.
- **Multimodal Connections to Adjacent Neighborhoods:** How will the Google Project mitigate the uninviting, often unsafe means by which residents of the surrounding neighborhoods access the Diridon Station Area (DSA)? Poorly lit underpasses, some with no bike lanes and substantial deposits of bird droppings scattered across the sidewalks, actively \*discourage\* nonvehicular access to the DSA. Without seamless connections to the adjacent neighborhoods, how will the Google Project's internal circulation patterns avoid the creation of inevitable bottlenecks at the perimeter, creating the very type of insular campus that Google and the City of San Jose insist is neither wanted nor proposed?
- **Vision Zero:** How do the proposed street layout and circulation patterns address the City's embrace of Vision Zero guidelines and goals?
- **Complete Streets:** How do the proposed street layout and circulation patterns address the City's Complete Streets mandate?



- Expedite Downtown Transportation Plan: How can the City expedite the proposed Downtown Transportation Plan (DTP) to incorporate its findings and requirements into the Google Project? The DTP should provide City Council and PBCE staff with the necessary data and models to address the potential impacts of the Google Project before it is approved.
- Parks and Public Open Spaces: Riparian corridors and non-vehicular circulation paths should not be considered usable park space. What are the square footages and proposed activation means for the proposed parks and public open spaces within the Google Project? Will the Google Project honor the City's stated policy of a (10) minute walk to park space?
- Expand Downtown Transportation Plan: Given the need for seamless connections to adjacent neighborhoods, will the scope of the Downtown Transportation Plan be extended to include the St. Leo's Neighborhood, and further along The Alameda and its side streets, as these will be two of the primary means by which residents of West San Jose access the DSA?
- Construction Impact Mitigation Plan: Long before the development is fully occupied, there will be a decade or more of construction, impacting public services, transportation, and quality of life issues for the surrounding residents. The planning for this time period needs to be just as robust as that for the end product.
- Historic Landmarks: Within, and immediately adjacent to, the Google Project footprint, there are several landmark structures, landmark-eligible structures, structures on the City's Historic Resources Inventory (HRI), and structures on the California and National Registers of Historic Places. Per the City's own Historic Preservation Ordinance, the impacts under CEQA to all these structures need to be addressed, including, but not limited to, construction vibration, shade and shadow, and design compatibility.
- Energy Center: Google proposed an Energy Center. Given the City's "reach code" push towards the elimination of natural gas in proposed residential developments, for the sake of reducing emissions, what is being done to ensure that the cogeneration plant will not, by itself, far exceed the potential reductions in emissions the reach code seeks to ensure? How will the venting of this facility work, given the prevailing wind patterns and potential for a focused, unmitigated negative impact upon the surrounding neighborhoods.

We take pride in our neighborhood; S/HPNA Board members and volunteers have been diligent advocates for decades. Density and additional development within, and adjacent to, our boundaries are inevitable; poorly conceived developments, which show a deliberate indifference towards the multiple, significant impacts on the adjacent residents should not be. We welcome development that supports the neighborhoods with community services and amenities, while maintaining and encouraging the walkability and vibrance of the area.

Respectfully submitted,



Edward Saum  
Vice President & Director for Planning & Land Use  
Shasta / Hanchett Park Neighborhood Association

Cc: Councilmember Dev Davis  
Councilmember Raul Peralez  
Mayor Sam Liccardo  
Rosalynn Hughey, Director, Department of Planning, Building and Code Enforcement  
Toni Taber, City Clerk





# SIERRA CLUB

## LOMA PRIETA

*Serving San Mateo, Santa Clara and San Benito Counties*  
Protecting Our Planet Since 1933

November 22, 2019

Rosalynn Hughey, Director  
Department of Planning Building and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113-1905

Attn: Shannon Hill, Environmental Project Manager,  
via e-mail [shannon.hill@sanjoseca.gov](mailto:shannon.hill@sanjoseca.gov)

### **Re: Notice of Preparation of an Environmental Impact Report for the Downtown West Mixed Use Plan (Google Project)**

Dear Ms. Hughey

Thank you for the opportunity to provide comment prior to the development of the EIR for the Google "Downtown West" Project. We have several concerns that should be addressed in the EIR analysis.

#### **Aesthetics**

Downtown Design Guidelines San Jose has recently adopted Downtown Design Guidelines, which should be considered for this area as well, and which recognizes the importance of scale in downtown and the importance of sites fronting open space, parks and waterways, for visual permeability and a finer grain. Please analyze the project's compliance with all standards and guidelines in the 2019 San Jose Downtown Design Guidelines, including:

- Please consider the massing and scale of the Project
- Please consider the natural setting of the Project along the Los Gatos Creek
- Please analyze compliance with the following Vision and Guiding Principles,
  - Put People First: Promote health and activity with safe, attractive, functional, and comfortable urban spaces and buildings.
  - Blocks are the foundation of urban development. Small blocks also promote buildings which provide greater view opportunities and make it possible for good pedestrian circulation. Pedestrian circulation is the top priority for circulation in a Transit- Oriented Development (TOD) area.

#### **Biological Resources**

The Project will stretch along the Los Gatos Creek. Please analyze impacts on Los Gatos Creek and its entire riparian corridor and setback areas as follows.

- Provide a complete inventory of all native trees (of all sizes) in the riparian corridor. Please analyze the biological impact of shading during the day and increased ambient lighting during the night on the riparian vegetation.
- Provide a complete inventory of fish and other aquatic wildlife such as beavers and others that have been observed in the Los Gatos Creek. It is the goal to revive these waterways and bring back species that have historically been known to inhabit the creek in order to restore a healthy ecology in this riparian corridor.
- Provide information on tree removal of any California native tree species and identify potential impacts to roots of any additional native trees. Because mid-story trees provide critically important resources to resident and migratory fauna in the riparian area, please provide information for all native trees, not only ordinance size trees.
- Provide analysis of how reflected sunlight and/or glare may impact creek temperatures and the aquatic ecosystem, including Steelhead and light-sensitive aquatic species.
- Analyze impacts to animal movement due to increased artificial lighting in the creek corridor, especially at night. Consider both indoor and outdoor lighting.
- Analyze impacts to riparian habitat from reduced natural light due to tall office buildings.
- Analyze impacts to riparian habitat from additional noise pollution due to additional traffic and additional human activity near the Los Gatos Creek corridor.
- Analyze impacts to animal movement resulting from construction and use of an additional pedestrian bridge over Los Gatos Creek. Minimize impact this bridge will have on riparian habitat by minimizing any structural elements in the riparian corridor.
- Provide analysis for impacts to resident and migratory avian species in the creek corridor.
  - The risk of collision with glass. Please note that we believe that compliance with the San Jose Downtown Design Guidelines is important but may not reduce the impact to a less than significant level if buildings are close to the creek.
  - Impact of increased ambient lighting in the creek corridor due to indoor and outdoor lighting.

Please mitigate for use of outdoor LED lighting by using fixtures that produce Correlated Color Temperature (CCT) of no more than 3000. See <https://www.ledprofessional.com/resources-1/articles/hazard-or-hope-leds-and-wildlife> for additional recommendations.

Use of Pesticides and Fertilizers – the use of herbicides, pesticides, rodenticides and fertilizers can cause direct and secondary harm to aquatic and terrestrial wildlife. This risk is heightened at this location so near to riparian habitat.

- Mitigation: Do not allow the use of pesticides or fertilizers during construction or operation of this Project
- Mitigation: Identify alternatives to biocides and require the use of *Integrated Pest Management* techniques for this Project

## Energy

The NOP acknowledges that implementation of the project would result in an increased demand for energy and proposes that the Project will include design measures to reduce energy consumption.

The EIR should analyze the anticipated increase in electric and gas utility demand during construction and life of the Project and provide a seasonal break down to analyze summer (July-August) and winter (December January) demands of heating and cooling.

Mitigation should require:

- The Project to be certified by an independent third party to meet the ZNE (zero net energy) certification and verification requirements as required by San Jose's Climate Action Plan in order to meet the city's carbon reduction goals (Page 151, Climate Smart San Jose).
- The Project to reduce the glass surfaces to no more than 40% to comply with a Wall to Glass/Window Ratio recommended by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (see <https://www.ashrae.org/technical-resources/ashraehandbook>)

### **Greenhouse Gas Emissions**

Please provide analysis of greenhouse gas emissions associated with heating, cooling, electric appliances, and other energy demands during construction and operation of the project.

### **Hydrology and Water Quality**

Groundwater levels at the project site range between 0 and 20 feet. Therefore, any below-ground construction for the Project will require dewatering and may permanently impact the water table and subsurface groundwater flows.

Analyze the following potential impacts of dewatering and below-ground construction based on an estimated below-ground construction at anticipated locations within the project, including cumulative impacts if several below-ground construction projects occur simultaneously:

- Surface water quality. Do samples show any potentially harmful contaminants that need to be removed with a treatment system before being discharged?
- Ground water quality. Do samples show any potentially harmful contaminants that need to be removed with a treatment system before being discharged?
- Impacts of groundwater pumping on the anticipated sites and surrounding areas (Hydrogeological Study). The Study should include the radius of influence (i.e. extent of cone of depression) from each dewatering well as a function of time, based on local soil and groundwater conditions. Will groundwater depletion occur due to dewatering and could this impact adjacent sites and result in land subsidence at those sites or impact trees and plants on those sites that rely on groundwater?
- Impacts of groundwater pumping on the surface water in Los Gatos Creek and Guadalupe River (Hydrogeological Study). Will the interaction between groundwater and surface water be impacted?
- Impacts of groundwater pumping on the capacity of the City's storm drain system or sanitary sewer system, especially during the rainy season from November through March.
- The impacts of energy used for groundwater pumping should be included in the Energy analysis.

- The impact of the noise generated during groundwater pumping should be included in the Noise analysis.

Analyze the following potential impacts of below-ground structures once construction is complete:

- Will below-ground construction block the flow of groundwater in surrounding area? Please analyze underground flows into and along Los Gatos Creek and Guadalupe River.
- How will the anticipated below-ground structures impact the water table in the surrounding area? Will the water table rise and result in surface flooding on nearby streets or properties?
- How will the potential for flooding of the underground structures be addressed? During the Coyote Creek flood, trash and chemicals were also released. In the event of a flood event, how will below-ground structures be safeguarded and what pumping techniques will be used to prevent contamination of groundwater and Los Gatos Creek and the Guadalupe River?

Proposed mitigations for impacts of below-ground construction and structures:

- Require construction processes that reroute natural underground water flows.
- Install a groundwater monitoring wells.
- Provide a list of potential actions and solutions should groundwater monitoring program indicate problems.
- Test groundwater discharged into a storm drain for contamination per Regional Water Quality policies.
- Meter extracted groundwater.
- During dewatering, submit periodic reports showing current groundwater levels, pumping rates, and water quality standards.
- Require avoidance measures to minimize the flow rate and duration of the pumping.
- Install sediment settling tank systems and/or treatment systems to improve discharged water quality.
- If feasible, percolate discharges onto the construction properties rather than into the storm drain system.
- Provide Fill Stations to allow the City and nearby residents and business owners the opportunity to use the pumped groundwater to minimize the amount discharged to the storm drain system.
- Limit dewatering during the rainy season (between November and March) due to stream or storm drain capacity issues.
- Engineer post-construction groundwater flow to match pre-construction groundwater flow.

Water quality and runoff – this project will result in an exponential increase in traffic on roadways. Studies show runoff from highways contains detectable levels of zinc, lead, copper, and nitrate/nitrite.

Please study the following impacts:

- Pollutants from motor vehicles include oils and grease (from leaks) and heavy metals (from car exhaust, worn tires and engine parts, brake pads, rust, or used antifreeze). Vehicle-related particulates in highway runoff come mostly from tire and pavement wear (~ 1/3 each), engine and brake wear (~ 20%), and exhaust (~ 8%) (EPA 1996). Each year,

approximately 185 million gallons of improperly discharged used motor oil pollutes streams, lakes, and coastal areas (Indicators of the environmental impacts of transportation. Updated Second Edition. Publication # EPA 230-R-99001, Office of Policy, Planning and Evaluation. Washington, D.C.).

- The impact of these toxins on water quality in the Los Gatos Creek needs to be analyzed. How will all the additional pollutants from cars impact runoff into the Los Gatos Creek?

Proposed mitigation for polluted runoff:

- Install green street infrastructure on all streets. Use Low Impact Development strategies, including on site stormwater management, reduce pollutant discharges and the potential for flooding.

## **Population and Housing**

A complete analysis of development in this region must be done to adequately determine the impact on traffic, congestion, GHG emissions, and displacement of residents. This analysis must include the timelines for transit development and whether office development will out-pace housing and transit developments.

Please analyze the impact of the proposed development on housing availability and on increased commuting from distant locations due to the housing shortage in San Jose. Include this information in the Greenhouse Gas Emissions analysis.

San Jose is already experiencing an increasing homeless population (the 2017 census showed 4350 homeless individuals; the 2019 census identified 6,172). Please analyze the potential environmental impacts (trash, biological waste, hazardous waste) of an increased homeless population along San Jose waterways.

## **Transportation**

Please include in mitigation a transparent and verifiable Transportation Demand Management program.

## **Utilities and Services Systems – Water Supply**

The Water Supply Assessment should evaluate cumulative impacts including all other anticipated large downtown development projects in the pipeline. Here is a partial list of projects in the pipeline that should be considered:

- SP18-016 27 South First Street Mixed-Use Project
- HP18-002 & H17-062 West Santa Clara St & Almaden Ave Development
- SP18-020 & T17-064 440 West Julian Street Office Project
- PDC16-036 4300 Stevens Creek Boulevard Mixed-Use Project
- H14-011 237@First Homewood Suites Hotel
- H16-036, T16-048 300 South Second Street Student Housing
- H18-026 477 South Market Street Mixed-Use Project

- H18-037 Adobe North Tower
- H18-038 Almaden Corner Hotel Project
- PDC15-058 & PD15-053 America Center Phase III Project
- C17-009, SP17-016 & T17-015 Auzerais Avenue Residential Project
- PDC17-056 Avalon Expansion Project
- PDC17-040 Cambrian Park Plaza Project
- GP06-04-01 and PDC03-108 Flea Market General Plan Amendment and Rezoning
- SP18-001, T18-001 Garden Gate Tower
- GP17-006, GPT17-008 & C17-031 Julian Street General Plan Amendment, Diridon Station Area Plan Text Amendment & Rezoning
- CP19-006 Meridian Residential Project
- SP17-031 and T16-024 Museum Place Mixed Use Project
- HA14-009-02 and HPA14-002-02 Park View Towers Revised
- HA14-023-02 Post Tower Amendment
- H17-006 and T16-061 Ruby Avenue Residential Project
- PDC17-051 San Jose Flea Market Southside Rezoning
- H16-042 and HP17-003 San Jose Tribute Hotel Project
- SP17-009 and T16-056 SJSC Towers Mixed-Use Project
- H17-004 South Fourth Mixed-Use Project
- SPA17-023-01 Starcity Co-Living Project
- PDC18-037 & GP18-014 Winchester Ranch Residential Project
- H19-004 Almaden Office Project

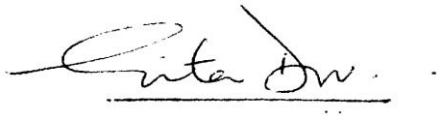
Address the following questions related to water supply:

- How will additional supplies be provided by the San Jose Water Company and what additional supplies (or conservation, etc.) will need to be developed to meet that demand? Consider committing to net-zero water use as a mitigation measure.
- How will this project and others that draw from the same water supply source (groundwater pump or water treatment plant) impact that water supply source? Does that source have the capacity to meet all the new demands? Will the additional demand bring overall water demands above or close to the threshold where the source will need to be upgraded to meeting the demand? Analyze the environmental impacts of construction and operation of any additional water supply infrastructure that will be needed.

### **Mitigation and Monitoring**

Please publish all test results and monitoring reports online during construction and for at least 25 years after construction so all results are available for public review. This should include all impacts to air, water, and biological resources.

Respectfully,

A handwritten signature in black ink that reads "Gita Dev". The signature is written in a cursive style and is underlined.

Gita Dev  
Sustainable Land Use Committee, Sierra Club – Loma Prieta Chapter

A handwritten signature in black ink that reads "Katja Irvin". The signature is written in a cursive style.

Katja Irvin  
Conservation Committee, Sierra Club – Loma Prieta Chapter

Cc James Eggers, Executive Director, Sierra Club - Loma Prieta Chapter (SCLP)  
Gladwyn DeSouza, Conservation Committee, SCLP



November 22, 2019

City of San José Department of Transportation  
200 E. Santa Clara St., 8th Floor  
San José, CA 95113

Attn: Shannon Hill  
By Email: [shannon.hill@sanjoseca.gov](mailto:shannon.hill@sanjoseca.gov)

Subject: Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Downtown West Mixed-Use Plan (Google Project); File Nos GP 19-009, PDC19-039, and PD19-029

Dear Shannon,

Thank you for the opportunity to provide comments on the NOP for an EIR for the Downtown West Mixed-Use Plan located in the City of San José. VTA is excited about the opportunity that this project represents for San José and the growth for transit ridership it will bring to the Diridon area. VTA has reviewed the NOP and has the following comments:

#### Pedestrian and Bicycle Accommodations

VTA appreciates the project applicant's efforts to break up larger blocks with "pedestrian midblock passages." VTA recommends that Google include a diagram of the pedestrian circulation and improvements, with attention to access to transit, access to Los Gatos Creek Trail, and access after major events at SAP Center as part of the Transportation Analysis (TA) section of the EIR.

VTA supports the "potential" grade separated, pedestrian/bicycle connection over tracks to Lenzen Avenue and recommends the City or project applicant consider extending the connection over additional UPRR tracks to the Market Center (private property).

VTA also supports the proposal to expand and widen the existing bicycle/pedestrian bridge over Los Gatos Creek, just north of West Santa Clara Street, within Arena Green.

As noted on Page 14, "Vehicular and pedestrian/bicycle access points to and from project buildings has not been determined." VTA looks forward to working with the City and Google to confirm these access points.

#### DISC Integration

VTA appreciates the NOP recognizing the Diridon Integrated Station Concept (DISC) process and understands that the staff recommended concept layout had not been solidified when the NOP was prepared. Now that the staff recommended concept layout has been announced and plans to be accepted by the Boards and Council of the Partner Agencies (VTA, Caltrain, CHSRA, and City of San Jose) in December 2019, the DISC's dual concourse design and proposed light rail and bus station



placement should serve as the base map for the Core and the Diridon Station area in the environmental documents. This design can be found at: <https://www.diridonsj.org/disc>. The concept layout will be further refined in the next phase of the DISC process and VTA understands that the DISC partners will engage Google in the next phase on how to optimize coordination of the respective projects.

VTA recommends that Google analyze the roadway configuration currently shown in the NOP as an alternative in the EIR. This will allow all parties to understand the circulation and environmental impacts of the proposed roadway configurations.

#### Bus Circulation

On Page 20, the NOP notes that, "The EIR will examine the existing traffic conditions in the immediate vicinity of the project site." VTA strongly encourages the EIR to use the VTA New Service Transit Plan, that will launch on December 28, 2019, as the baseline for bus and light rail circulation within the transportation analysis area. Information about the changes can be found at: <https://newservice.vta.org/>. VTA will be happy to share any additional information Google will require to conduct this analysis.

Additionally, VTA recognizes that the City of San José plans to make Santa Clara Street a transit-priority corridor through improvements such as converting the outside lanes to "public service lanes," or lanes that would only serve transit and emergency vehicles. The EIR should incorporate this design into one of the alternatives.

#### Vehicle Miles Traveled (VMT) Analysis

VTA notes that while much of the project site falls into an area that would be "screened out" of VMT analysis based on the City's Low VMT Per Capita or Low VMT Per Job screening criteria, portions of the site do not fall within these "screened out" areas. VTA recommends that the City clearly document the VMT analysis performed for the project in the EIR, including the analysis methodology and any assumptions about VMT reductions due to land use placetype, mixed land uses, proximity to transit, or other factors.

#### Transportation Demand Management/Trip Reduction

VTA supports the project's inclusion of a Transportation Demand Management (TDM) Program to reduce auto trips, vehicle miles traveled, and greenhouse gas emissions. VTA recommends that the project establish a trip reduction target and third-party monitoring and enforcement. VTA recommends that the City consider the following TDM/Trip Reduction strategies:

- Transit fare incentives such as free or discounted transit passes on a continuing basis or pre-tax commuter benefits
- Parking pricing and parking cash-out programs
- Dockless scooters, bicycles, and other micro-transit solutions
- Bicycle lockers, bicycle racks, and showers and clothes lockers for bicycle commuters
- Bicycle storage integrated into the residential units
- On-site or walk-accessible services (day-care, dry-cleaning, fitness, banking, convenience store)

- Preferentially located carpool parking
- Employee carpool matching services
- Parking for car-sharing vehicles

#### Housing

VTA applauds Google's efforts to include residential land uses in the plans, acting as a regional partner in the Bay Area's efforts to reduce VMT and to increase housing supply near transit-oriented communities (TOCs). VTA encourages Google to build as many housing units as possible, especially below market-rate housing.

#### VTA Parcel Land Use

The proposed land use for the VTA Parcel is identified as residential. VTA has discussed with Google that non-office uses on the site are the best fit with the overall proposed Downtown West project. VTA has not made any final decisions on potential uses for its plans, but VTA does have an interest including some form of hospitality use on the VTA parcel. VTA therefore encourages that the land use plan analyze a wide range of residential and other non-office uses, including hotel. VTA will continue to review with Google what uses on VTA site would best meet advance VTA's objectives as well as those of the Downtown West project.

#### VTA's BART Silicon Valley (BSV) - Phase II Extension Project

VTA is excited about the potential ridership the Google Project will bring to VTA's BART Silicon Valley (BSV) Phase II Extension Project (Phase II Project) and appreciates the significant effort Google is undertaking in coordinating their project with the Phase II Project at Diridon Station.

Federal Transit Administration (FTA) and VTA released the Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (SEIS/SEIR) in 2018. VTA's Board of Directors certified the SEIR and approved the Phase II Project in April 2018, and FTA issued the Record of Decision in June 2018. This document can be found here: <https://www.vta.org/projects/bart-sv/phase-ii>. VTA has provided Google and its project contractors information related to the Phase II Project's requirements to continue collaboration on vital project elements such as circulation and access for all modes during construction and at opening day, ventilation and emergency egress, utilities, design of buildings and underground structures in proximity to the BART tunnel, and construction management plan elements at or near the Google Project. It is important that the Phase II Project is included in the background conditions in the cumulative-impacts analysis in the environmental document. As the Google Project design is refined, we look forward to providing additional feedback during our continued collaboration.

Thank you again for the opportunity to review this NOP. VTA looks forward to our continued collaboration with the DISC partners and Google in the review of the EIR. VTA looks forward to ongoing coordination on the Downtown West development to ensure a "transit first" perspective for circulation and land use decisions. If you have any questions or would like to request any files or information regarding the New Service Transit Plan, please do not hesitate to contact me at 408-321-5830 or at [lola.torney@vta.org](mailto:lola.torney@vta.org).

City of San José  
November 22, 2019  
Page 4 of 4

Sincerely,

A handwritten signature in black ink, appearing to read 'Lola Torney', written in a cursive style.

Lola Torney  
Transportation Planner III

SJ1728

**From:** [tessa.woodmansee](mailto:tessa.woodmansee)  
**To:** [Hill, Shannon](mailto:Shannon.Hill)  
**Subject:** Downtown West Mix Use PlanGP19-009 PDC19-039 pd19-029  
**Date:** Friday, November 22, 2019 10:44:36 PM

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[External Email]

Dear Shannon,

public comments should be allowed to midnight of the date due as it was with other EIR reports to help community participate the standards should be the same like other 'EIR was till midnight of the closing day.

So here are more comments about the environmental impact of Downtown West mix use plan.

- \* Car free downtown and car free google village!
- \*. Google's buses should all be electric no google buses that are not. electric.
- \*. Googles bus depot on Stockton Avenue must all use broadband backup beepers self adjusting by Brigade Electronics- the only manufacturer of broadband backup beepers.
- \*. Google's bus depot run by Royal Coach Tours must be a good neighborhood by reducing their light pollution and noise pollution they have a gate that is very noisy and needs to be upgraded and silent when it opens and closes. There shall be no public address on the google bus depot.
- \*. Stockton Avenue needs traffic calming and this street needs to become a grand boulevard to the google campus. The street needs roundabouts three of them from Taylor street to The Alameda.
- \*. Taylor Street needs traffic calming and take out the curve by the Alameda where many accidents have occurred. Taylor street going west from Coleman needs to block the side road that splits Taylor street that is very dangerous. This split section needs to be closed off for safety.
- \*. Taylor street needs a bike lane separated from traffic between Coleman and to Bascom when it turns to Naglee
- \*. Taylor street underpass needs to be redesigned like Coleman avenue in Campbell where the pedestrians are separated from the cars the least we can do is put up a 3 foot concrete barrier to protect pedestrians from cars that invade sidewalks.
- \*. Taylor street underpass needs to have a wood, metal or concrete roof so that pigeons do not nest up in roof rafters.
- \*. Taylor street needs a 3 foot barrier from Stockton to the entrance of the Coleman Shopping

center the Taylor street entrance needs protection and separation from entering traffic raise the sidewalk gutter for protection as cars going east on Taylor swoop into the shopping center.

- \*. Julian Street needs a bike lane and pedestrian corridor that is Americans with Disabilities compliant.

- \*. Stockton Avenue should not be a truck route. All truck traffic should use Coleman and then the Julian street to get to Stockton Avenue

- \*. The horrible logo for the sharks with gang messaging for the sharks as they kill their opponents in their belly needs to be removed and other more natural architectural details added to the Whole Foods modern 7 foot wall facing stockton ave

- \*. Stockton Avenue needs a cross walk at Shiele

- \*. Taylor street and Stockton Avenue crosswalks and intersections need to remove the free right turn pork chop design that make this intersection deadly. All corners need bulb outs and traffic calming and identification of crosswalks to slow traffic.

- \*. Taylor Street and Stockton Avenue needs a lefthand turn signal to control the left hand turn pocket on northbound Stockton Avenue controlling the traffic and separating the left turning traffic from the pedestrians and oncoming vehicles. This intersection is very dangerous and the left turn goes west on Taylor Street and as the sunsets in the west drivers have been blinded by sunsetting and have hit bicyclists.

- \*. All corners on Stockton Avenue need striped crosswalk marking and the corners need to be bulbed out to avoid the fast turning off of Stockton Avenue into the residential streets. Zebra striped crosswalks on all intersections off of Stockton Avenue..

It's not your imagination — crosswalks around San Francisco are being upgraded more rapidly to the “continental” striping style, also known as “ladder” or “zebra-striped” crosswalks, to make people more visible to drivers when they're crossing the street.

The SFMTA has ditched its traditional crosswalk design comprised of two white lines along the length of a crosswalk, since [studies from the Federal Highway Administration](#) have shown continental stripes are much more effective at getting drivers to yield the right-of-way, said Ben Jose, spokesperson for the SFMTA's Livable Streets subdivision.

“Until recently, San Francisco primarily implemented continental crosswalks at mid-block and school area crosswalks,” Jose wrote in an email. “The SFMTA's current goal is to gradually enhance all crosswalk markings to the high-visibility continental marking pattern.”

The SFMTA adds the treatment whenever there's an opportunity like a street re-paving, Jose said. Those are [occurring more rapidly](#) with the [bond funds made available by Prop B](#). I've recently spotted the new crosswalks on streets from Irving in my neighborhood, the Inner Sunset, to Powell Street in Union Square, one of [the busiest pedestrian streets in the country](#). (Finally!)

Walk SF Executive Director Nicole Schneider applauded the agency's move to adopt zebra

crosswalks on a wide scale. “The ladder-style striping helps drivers distinguish the crosswalk from other roadway markings much sooner than the old fashioned double lines,” said Schneider. “This is one example of a quick, cheap, and smart way to prevent pedestrian injuries.”

As a reminder, 964 pedestrians were injured on SF streets last year. This year, 12 have been killed. In 2011, motorists’ failure to yield to a pedestrian in a crosswalk was the most-cited cause of pedestrian injury, comprising 40 percent of cases, according to the SFMTA’s 2010-2011 Collisions Report [[PDF](#)].



\*. The buses by the Senior facility on Julian must not be parked near the intersections or on Stockton Avenue at all. The visibility crossing with these large trucks makes it very unsafe to cross the street going South on Stockton Towards Whole Foods. crossing Clinton Place is very dangerous because of trucks blocking that street. There should be not parking on Stockton Ave between Julian and Clinton Place. The trucks on Julian should also be at least 20 feet back to improve crossing visibility crossing Julian going northbound on Stockton Ave

\*. The bicycle marking from Clinton Place to the Alameda are very poor and need to be darkened or brightened with green paint that is visible at night going to south on Stockton Avenue towards the Alameda.

\*. Villa Street needs a bright street lamp on the West side of Stockton.

\*. All trucks and buses doing business on Stockton Avenue must have the broadband self adjusting backup alarms to be a good neighbor and safer

\*. Salvation Army should not be blocking stockton Avenue sidewalk and street with its dump truck operation that prohibits pedestrians and bicyclist from going safely across the sidewalk and street.

\*. COleman avenue must be the truck route and Julian Street needs to be supported to take the traffic from Coleman then to Autums parkway then back to Stockton Avenue so Stockton Avenue is no longer the truck route from Taylor Street to Julian Street.

\*People on foot could get a little more space at the corners of 14th and U NW, Benning Road and Minnesota Avenue NE, and M and Wisconsin in Georgetown. Those are a few of the concepts in a new analysis of how to make DC's most dangerous intersections safer.



*Image from NACTO.*

Transportation officials, local community and business members, bicycle and pedestrian advocates, and councilmember Mary Cheh toured five of the highest-crash intersections in August and September. A [new report](#) from DDOT recommends ways to make each safer.

\*. Google needs to hire a walking specialist for creating walkable neighborhoods as google builds.

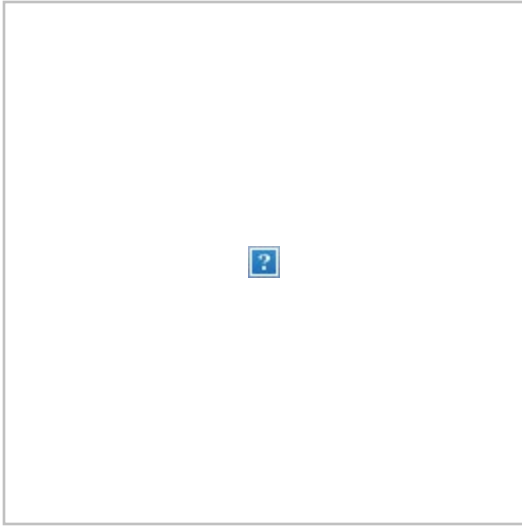
\*. I throughout the United States to understand that in most places, people prefer to get around by car: Over [76% of people](#), according to the most recent Census data, commute in an automobile, by themselves. Even in a city like [Seattle](#), known for a strong bus network and environmental commitments, nearly 30% of people drive to work solo. In places like [Oklahoma City](#), which seem to have been designed for the car, only 2.2% of people do not.

In addition to this being an environmental threat—pollution from vehicles is one of the leading contributors to climate change—it also makes for a fairly isolated, frustrating experience of the city. That was urban planner Jeff Speck's point when he wrote the book *Walkable City* in 2012. It wasn't strictly about the problems of car dependency or the benefits of walking; rather, it was a book about what makes cities work well for the people in them, and "walkability" seemed to be a word that resonated with people. Rather than the solitary experience of being alone in a car, walkability brought to mind people mingling in welcoming streets or in parks—essentially, bringing cities to life, and advancing their own well-being in the process.

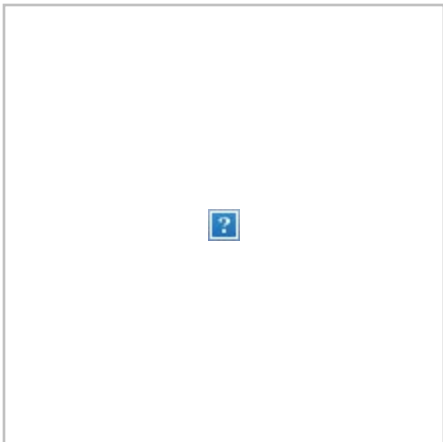
In the last decade, urban designers and transportation planners have begun to think more imaginatively about how to increase walkability in cities. Speck, in his past work, has tried to make the case for why they should do so. But he realized that convincing planners and



designers to create more walkable, livable cities left out some important voices—those of the people they’re creating city plans for.



[Photo: Island Press]“The planning of cities has always had an impact on people’s lives,” Speck tells *Fast Company*. “But now, the difference is: People are beginning to see that they have a role in it.” Speck cites two reasons. One: As technology has sprung up to make everything from government to transit more accessible and responsive, people feel more connected to the systems around them, and more able to influence them. And two: Younger people, especially millennials, are gravitating more toward living in cities, based on the quality of life there. Around 64% of young people who move pick a city on its livability before anything else, and only then look for a job. As a result, Speck says, they feel a sense of ownership over the place where they choose to live, and an urge to get involved with shaping it for the better.



### SPONSORED: INSTAGRAM

## Turning followers into customers, one tap at a time

How innovative cookware company Great Jones is using Instagram to build a powerful brand

His latest book, then, is an effort, Speck says, to weaponize his previous work “for deployment in the field.” Called *Walkable City Rules: 101 Steps to Making Better Places*, it breaks down the principles of good, livable urban planning and street design concepts into 101 digestible rules. He hopes, as he has done with his earlier work, that transportation planners and urban designers will read it and get something out of it. But really, Speck says, he compiled it for regular, albeit civically engaged citizens, so they can pinpoint specific

improvements they want to see in their cities, and advocate most effectively for them.

“People were going to public meetings and demanding change and more walkable cities,” Speck says. “But they found that they were a little bit stranded when it came to details.” While citizens, intuitively, were waking up to the fact that they wanted more connected communities and safer streets, they often didn’t know what, exactly, they should be pushing for. Exactly how wide should a proposed bike lane be? What improvements would make crossing a wide street safer?

The “rules” in the book span a spectrum of complexity. There are simple suggestions for people to digest and recommend, like how to build great and safe crosswalks (when possible, use texture like pebbled paint or rumble strips to demarcate them, and use bright, high-contrast paint colors to stripe them directly onto roads). Reading the book, you can easily imagine feeling empowered to bring these recommendations before a planning committee that’s mulling street improvements in your neighborhood. Speck also drops in useful facts, like streets without dotted lines tend to encourage drivers to go more slowly, and that intersections with four-way stop signs are safer than those with traffic lights because they prevent drivers from trying to zoom through on yellow lights, and instead encourage more awareness.

But Speck also tackles the bigger questions, like what’s at stake in advancing urban walkability, in compact and direct chapters. The book opens with a section on how to “sell” walkability, and Speck breaks down how walkable cities improve overall prosperity, health, environmental outcomes, equity, and community cohesion. “Walkable and bikeable cities are more equitable cities,” Speck says. While good pedestrian infrastructure and bike lanes tend to be equated with more prosperous neighborhoods, bicyclists and pedestrians are more likely to be low-income. Speck reminds readers to approach these conversations with the facts, and let real needs (like stopping climate change and supporting equitable mobility) drive policy and design decisions.

Ultimately, it’s everyday people who have to live with the decisions that transportation agencies and urban design firms bestow on their cities. Speck’s book makes the case that they can, and should, have a say in those decisions, and how they shape the landscapes of where they live.

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**DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**



San Jose Area  
2020 Junction Avenue  
San Jose, CA 95131-2187  
(408) 467-5400  
(800) 735-2929 (TT/TDD)  
(800) 735-2922 (Voice)

November 18, 2019

File No.: 340.14534.19065.19-298e

RE: SCH 2019080493

State Clearing House  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Dear Sir or Madam,

This letter is in response to the Notice of Preparation for SCH 2019080493, the Google Downtown West Mixed Use Plan in San Jose, California.

The San Jose Area of the California Highway Patrol has reviewed the Notice of Preparation prepared by the City of San Jose. The San Jose CHP has concerns that this project will negatively impact the smooth flow of traffic on SR-87, which already exceeds its capacity during commute times. This increased congestion will lead to increased, or delayed, response times to emergencies on SR-87, as well as the surrounding surface streets, businesses, and residences. Furthermore, as SR-87 is a primary connector to downtown San Jose from US-101 and I-280, the increased traffic on SR-87 from this project could potentially lead to reduced speeds and increased traffic on those highways as well.

The San Jose Area would recommend that any future studies include SR-87 in the environmental traffic studies and how this project will impact traffic on that highway, the surrounding highways, and how those effects could be mitigated.

If you need any further assistance at any time, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "J.K. Reardon".

J.K. REARDON, Captain  
Commander



**M e m o r a n d u m**

Date: November 18, 2019

To: San Jose Area (340)

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**  
*Special Projects Section*


File No.: 063.A17617.A14585.Nop.Doc

Subject: ENVIRONMENTAL DOCUMENT REVIEW AND RESPONSE  
SCH# 2019080493

Special Projects Section (SPS) recently received the referenced "Notice of Preparation" environmental impact document from the State Clearinghouse (SCH).

Due to the project's geographical proximity to the San Jose Area, please use the attached checklist to assess its potential impact to local Area operations and public safety. If it is determined that departmental input is advisable, your written comments referencing the above SCH number must be mailed directly to the lead agency, with a copy to the State Clearinghouse at 1400 Tenth Street, Room 121, Sacramento, CA 95814. Your written comments must be received by the lead agency no later than **November 21, 2019**. For reference, additional information can be found in General Order 41.2, Environmental Impact Documents.

For project tracking purposes, SPS must be notified of San Jose Area's assessment of the project (including negative reports). Via e-mail, please forward a copy of Area's response to Associate Governmental Program Analyst Mary H. Uhazi, at [muhazi@chp.ca.gov](mailto:muhazi@chp.ca.gov). For questions or concerns, please contact Ms. Uhazi at (916) 843-3370.



F. S. MASON, SSM III  
Commander

Attachments: Checklist  
Project File

cc: Golden Gate Division



# Downtown West Mixed Use Plan (File Nos. GP19-009, PDC19-039, and PD19-029)

## Summary

**SCH Number** 2019080493  
**Lead Agency** San Jose, City of (*City of San Jose*)  
**Document Title** Downtown West Mixed Use Plan (File Nos. GP19-009, PDC19-039, and PD19-029)  
**Document Type** NOP - Notice of Preparation  
**Received** 10/23/2019  
**Project Applicant** Google LLC  
**Present Land Use** Zoning: Industrial (Light & Heavy), Industrial Park, Commercial (Neighborhood and General), Downtown, Combined Industrial/Commercial, Planned development, and Public. General Plan: Downtown; Commercial Downtown; Combined Industrial/Commercial; Transit Employment Center; Opened Space, Parklands, and Habitat; Public/Quasi-Public.

**Document Description** General Plan Amendment, Planned Development Rezoning, and Planned Development Permit 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 rooms of limited-term corporate accommodations; an approximately 100,000 GSF event center; up to two central utilities plants totaling approximately 115,000 GSF; and a logistics warehouse(s) of approximately 100,000 GSF; all on approximately 84 acres. The proposal also includes conceptual infrastructure, transportation, and public open space plans.

**Contact Information** Shannon Hill  
City of San Jose  
200 East Santa Clara Street, Tower 3rd Floor  
San Jose, CA 95113  
Phone : (408) 535-7872

## Location

**Coordinates** 37°19'54"N 121°54'4"W  
**Cities**   
**Counties**   
**Cross Streets** W Santa Clara Street and S Montgomery Street  
**Zip** 95110  
**Total Acres** 84  
**Parcel #** Multiple (attached)  
**State Highways** SR-87, I-280, I-880  
**Railways** Caltrain, ACE, VTA, BART  
**Airports** San Jose International Airport  
**Schools** Multiple (attached)  
**Waterways** Los Gatos Creek, Guadalupe River

11-21

11/14

## Notice of Completion

Review Period Start 10/23/2019

Review Period End 11/21/2019

Development Type [Residential \(5900 Units\)](#) [Office \(7.3 M Sq. Ft.\)](#) [Commercial \(500,000 Sq. Ft.\)](#) [Recreational \(15 acres open space\)](#)  
[Power \(Central Util. Plant\)](#) [Other \(Hotel - 300 rooms; Event Ctr. - 100K sq. ft., corporate housing;\)](#)

Local Action [General Plan Amendment](#) [Master Plan](#) [Planned Unit Development](#) [Rezone](#) [Subdivision](#)

Project Issues [Aesthetic/Visual](#) [Air Quality](#) [Archaeologic-Historic](#) [Biological Resources](#) [Greenhouse Gas Emissions](#) [Noise](#)  
[Population/Housing Balance](#) [Public Services](#) [Recreation/Parks](#) [Schools/Universities](#) [Sewer Capacity](#)  
[Toxic/Hazardous](#) [Traffic/Circulation](#) [Water Quality](#) [Land Use](#) [Cumulative Effects](#)

Reviewing Agencies [California Air Resources Board](#) [California Department of Fish and Wildlife, Bay Delta Region 3](#)  
[California Department of Housing and Community Development](#) [California Department of Parks and Recreation](#)  
[California Department of Transportation, District 4](#) [California Department of Transportation, Division of Aeronautics](#)  
[California Governor's Office of Emergency Services](#) [California Highway Patrol](#) [California Natural Resources Agency](#)  
[California Public Utilities Commission](#) [California Regional Water Quality Control Board, San Francisco Bay Region 2](#)  
[California State Lands Commission](#) [Department of Toxic Substances Control](#) [Office of Historic Preservation](#)  
[State Water Resources Control Board, Division of Water Quality](#) [California Native American Heritage Commission](#)

## Attachments

### Environmental Document

[Letter](#) [PDF](#) [226 K](#) [PDC19-039-et-al\\_Downtown-West\\_NOP\\_WEB](#) [PDF](#) [12727 K](#)

### NOC

[NOC](#) [PDF](#) [1411 K](#)

### State Comments

[2019080493\\_MANC\\_NOP Downtown West Mixed Use Plan \(File Nos](#) [PDF](#) [239 K](#)

**Disclaimer:** The Governor's Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov) or via phone at (916) 445-0613. For more information, please visit OPR's Accessibility Site.

**ENVIRONMENTAL IMPACT REPORT  
EVALUATION/RESPONSE CHECKLIST  
FOR AREA/SECTION**

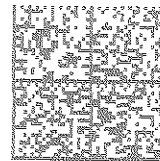
Reference: General Order 41.2


	Action	Reference GO 41.2
<input checked="" type="checkbox"/>	Review memorandum for the due date(s).	
<input checked="" type="checkbox"/>	Determine if the proposed project might impact local operations and/or public safety. Examples include: housing developments, large commercial projects, large recreational developments or expansions, landfill or quarry operations, hazardous materials storage and/or dump sites, highway construction/improvement projects, new schools, airport improvements, annexations/incorporations, off-highway vehicle facilities, and Indian gaming facilities.	Page 5
<input checked="" type="checkbox"/>	Review environmental impact documents to identify issues or concerns with possible impact to departmental operations (i.e., increased response times, enforcement, emergency services, service calls, telecommunications, public safety).	
<b>Responses</b>		
<input checked="" type="checkbox"/>	<u>If comments are advisable:</u>	
<input checked="" type="checkbox"/>	Correspondence should focus primarily on traffic safety, congestion, or other impacts to the CHP's mission; however, <b>Areas shall not indicate to the lead agency that additional personnel, facilities, vehicles, etc., are a means to mitigate departmental service issues.</b>	Page 7
<input checked="" type="checkbox"/>	Ensure the State Clearinghouse number (SCH#) is included in all correspondence.	
<input checked="" type="checkbox"/>	Comments shall be provided directly to the State Clearinghouse at 1400 Tenth Street, Room 121, Sacramento, CA 95814, or the lead agency as deemed appropriate, no later than the designated due date. Provide a copy to Special Projects Section (SPS) via electronic mail (e-mail).	
<input type="checkbox"/>	For project tracking purposes, SPS must be notified of Area/Section's assessment of the project. After mailing your comments to the SCH or lead agency, send a scanned copy via e-mail to SPS.	
<input type="checkbox"/>	<u>If no impact is determined:</u>	
<input type="checkbox"/>	Via e-mail, please respond "no impact to _____ Area's local operations and/or public safety by SCH# _____ was identified," by the designated SCH due date to the SPS analyst listed on the Environmental Document Review and Response memorandum. Ensure the SCH# is included.	



SAN JOSE AREA  
California Highway Patrol  
2020 Junction Ave  
San Jose CA 95131

SAN JOSE  
CA 950  
21 NOV '19  
PM 3 L



U.S. POSTAGE PITNEY BOWES  
  
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0001403321 NOV. 21. 2019

City Of San Jose  
200 East Santa Clara Stree, Tower 3rd Floor  
San Jose, CA 95113  
Attn: Shannon Hill

RECEIVED  
NOV 26 2019  
CITY OF SAN JOSE  
PLANNING, BUILDING AND CODE ENFORCEMENT

95113-190550

