



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, 3rd 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,¹ Santa Clara

¹ 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.) 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.

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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