



City Council Meeting Agenda

Thursday, March 25, 2021

1:30 PM

Virtual Meeting - <https://sanjoseca.zoom.us/j/95189084728>

Study Session - Google Downtown West Mixed-Use Development District Utilities

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

On occasion the City Council may consider agenda items out of order.

*** COVID-19 NOTICE ***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment before the City Council Meeting:

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislare application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under "Letters from the Public." Please identify the Agenda Item Number in the subject line of your email.

How to submit written Public Comment during the City Council Meeting:

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By Phone: (888) 475 4499. Webinar ID is 95189084728. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/95189084728>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

For Closed Captions, please visit the City's YouTube channel:

<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream

<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

Purpose: To provide an update on Google's proposed district utilities within the Downtown West Project

Outcome: Understand the progress of various staff analyses relating to the implementation of a district utilities system.

- Call to Order and Roll Call

CITY COUNCIL STUDY SESSION

1:30 p.m. - 5:00 p.m. City Council Study Session

[21-624](#)

Study Session on Google Downtown West Proposed District Systems Program.

Recommendation:**PURPOSE OF STUDY SESSION**

To provide an update on issues and topics identified and associated with a district system as proposed by Google for its Downtown West project.

OUTCOME OF STUDY SESSION

The Mayor and Councilmembers will understand opportunities and issues associated with the proposed district systems plan and recommended conditions of approval.

BACKGROUND

On December 4, 2018, City Council approved a Memorandum of Understanding (MOU) with Google to guide collaboration on a mixed-use development project moving forward. The MOU outlined guiding principles and shared goals for a mixed-use, transit-oriented development to be proposed by Google. One of the areas of shared interest was sustainability and the opportunities for Google and the City to collaborate on an array of infrastructure including District Systems and the shared use of resources, that could be innovative and exemplary for future development opportunities in the City.

In addition to infrastructure generally required of all projects in San Jose and specific projects identified in the Diridon Infrastructure Plan, Google proposes inclusion of certain infrastructure to solely support its Downtown West development. To meet the obligations of AB900, the project must significantly reduce greenhouse gas (GHG) emissions and other critical environmental concerns. By containing and controlling the input and output of resources, Google believes its project not only fulfills its commitment under AB900, but also provides a new development model for sustainability and resilience.

Included in Google's proposal for private district systems are:

- Utility corridors ("utilidors") for privately owned district systems, including crossing within the public rights of way
- Electrical distribution system
- Wastewater collection and treatment and recycled water distribution systems
- District heating and cooling systems

As part of its CEQA analysis and initial project proposal, Google also considered an Automated Waste Collection System and the potential for transporting goods and services through the utilidor system. At this time, these are not part of the project under consideration, though they may elect to return to the City and City Council with proposals in the future.

The City currently offers and oversees a variety of utility services, including wastewater treatment at the San José-Santa Clara Regional Wastewater Facility ("RWF"), which has existing capacity to

accommodate wastewater treatment for this development; recycled water infrastructure, which could be extended to serve this development; and solid waste services (resulting in a 69% overall waste diversion rate) including recycling collection and back-end processing of all residential garbage to extract organics for compost and collection and processing of commercial garbage, recycling, and organics, in which the organics are anaerobically digested.

Typically, developers construct infrastructure to connect their project to the broader network of City or other utility systems. For example, a developer will construct sewer pipes, including upgrades required for capacity or deficiencies in the City's system, and connect them to the City network that flows to the RWF. Electricity is provided to the City and developers through the PG&E transmission and distribution system. A developer may be required to underground overhead lines within the development area, but the connections of the buildings is to the existing utility, PG&E.

A major component of the Development is a proposed "District Systems" approach is to more efficiently handle at least some of the utility needs of the development. Where feasible, utilities such as electricity, thermal (heating and cooling), wastewater, recycled water, and solid waste flows would be delivered through district-wide infrastructure, rather than individual and building-specific systems. Through the development of district systems, the project will secure increased environmental performance, increased resilience, higher efficiency, and lower operating costs. One of the primary systems is the microgrid, providing a more resilient microgrid for electric distribution than currently is possible through PG&E. District Systems create a holistic ecological system that makes the 80 acres more self-sufficient. Google's Downtown West project proposal includes three primary documents affecting infrastructure: the Downtown West Design Standards and Guidelines (DWDSG), Downtown West Improvement Standards (DWIS) and the Downtown West Infrastructure Plan. The DWDSG establishes objectives, standards, and guidelines for the buildout of the project to ensure well-designed urban spaces and buildings, as well as connections to the necessary infrastructure systems. The DWIS includes specific standards to provide for deviation from and changes to the City's 1992 Standard Specifications and Standard Details which the City will use to review proposed horizontal improvements in the public realm through the subsequent conformance review processes. The DWIS also provides standards and performance guidance for unique elements of the Downtown West project such as

utilidors.

The Infrastructure Plan lays out and describes the private systems envisioned by Google to connect buildings within its project area, as well as the public systems (such as streets and above ground systems) that tie directly into the City networks. This document provides the concepts and plans for the District Systems. Within the 80 acres planned for development of Downtown West, Google proposes the construction and use of a central utility plant that distributes electricity and heating and cooling to the Google properties, while collecting and handling sewage from the Google properties. The distributed systems would be interconnected among the central utility plant and the Google properties via a distribution network largely contained within the basement of the Google properties, at specific points there will be crossings in an underground structure called a utilidor, which is further described below.

Google anticipates construction costs of infrastructure that tie to the City systems at nearly \$1 billion. The cost to construct the components of its proposed District Systems is not completely identified at this time but is anticipated to be well in excess of the \$1 billion of infrastructure required of the project. The cost of ongoing maintenance and operation of the district utility system is borne by Google and/or future entities owning and operating the properties and buildings with the district.

Attachments [Memorandum](#)
[Presentation-Updated](#)
[Letters from the Public](#)

Introduction

Google's proposed district utilities system associated with its Downtown West development project

- **Utility corridors (utilidors) for privately owned utilities within the public rights of way**
- **Privately owned electrical distribution system**
- **Wastewater and recycled water collection and treatment and distribution system**
- **Building heating and cooling systems**

Council Questions and Feedback

- **Public Comments**

- Adjournment

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.