

December 2, 2018

Mayor Sam Liccardo  
and City Council  
City of San Jose  
200 E. Santa Clara St.  
San Jose, CA 95113

Dear Mayor Liccardo and City Council,

I'm writing to voice our strong support for the city's proposed sale of public lands to Google.

Pivotal (formerly Silicon Valley Children's Fund and TeenForce) employs 28 staff in the downtown core. Our focus is supporting foster youth with education and employment. As a downtown employer supporting some of the most marginalized residents of San Jose, we have a relevant and "real world" perspective on the impact that Google and the Diridon Station project will have on San Jose.

Young adults leaving foster care are a key "feeder" to the homelessness problem. The Google development will help by:

- Bringing jobs to San Jose, thereby closer and more accessible to foster youth population centers
  - This applies to "Google jobs" and to support jobs
- Bringing more affordable housing downtown
- Enhancing public transit to downtown and creating the related "transit-oriented housing" that is so desirable

Google has a very, very strong (and long-term) track record of supporting San Jose Foster Youth, Opportunity Youth and other marginalized populations, including:

- Providing 200 laptops to foster youth
- Funding to foster youth agencies such as ours and First Place for Youth
- Funding for Opportunity Youth and job training agencies such as Conxion, Goodwill SV and Hack the Hood
- Funding for education pipeline agencies such as the Hispanic Foundation of Silicon Valley
- Support pre-dates the current project, going back 5+ years

Sincerely,

John J. Hogan  
Vice President, Career Services



Chair, **Steve Dresser**, City of Lathrop  
Vice Chair, **Christina Fugazi**, City of Stockton  
Commissioner, **Bob Johnson**, City of Lodi  
Commissioner, **Debby Moorhead**, City of Manteca

Commissioner, **Bob Elliot**, San Joaquin County  
Commissioner, **Leo Zuber**, City of Ripon  
Commissioner, **Scott Haggerty**, Alameda County  
Commissioner, **John Marchand**, City of Livermore

Executive Director, **Stacey Mortensen**

November 29, 2018

Mayor Sam Liccardo and the San Jose City Council  
200 E. Santa Clara St.  
San Jose, CA 95113

RE: San Joaquin Regional Rail Commission (SJRRRC) Support for Google at Diridon

Dear Mayor Liccardo and the City Council:

Please find this letter in support of Google's land use plan near the San Jose Diridon Station.

Over the course of 20 years of Altamont Corridor Express (ACE) service, it has been demonstrated time and time again, that focused and mixed development near stations has a beneficial impact on train ridership. The Diridon Station is an important transportation center for the ACE riders and more intensive land use will support the services that make Diridon Station such a significant transportation hub, including ACE, VTA, Caltrain, Capitol Corridor, BART, and future High-Speed Rail. This higher functionality of transit use near Diridon station could be significant in reaching the City's transportation mode shift goals.

Sincerely,

Stacey Mortensen  
Executive Director



Dear City Councilmembers,

Bayview Development Group supports the possibility of Alphabet Inc. acquiring San Jose's land with the intent to develop Google's transit-oriented office and living space around Diridon Station. We agree with Matthew Mahood the CEO of SVO, as we view the sale as a "catalytic" opportunity revitalizing San Jose downtown and enhancing San Jose's economic growth with a long-term perspective. The goal surrounding a transit hub combining Caltrain, BART, and VTA light rail is essential to withstand sustainability centered growth. We perceive long term economic growth, providing residents of San Jose with career and community involvement opportunities during and after the development's completion.

Sincerely,

Bayview Development Group

## Hey Google: Don't displace San Jose's working families

Google wants to build a new 20,000 employee mega-campus in downtown San Jose. This project will transform the city — let's make sure it doesn't **worsen inequality** and **push out the diverse communities** that make San Jose great.

We're calling on Google to ensure **our families can thrive as the company grows:**



**Partner with us to fight displacement, gentrification and homelessness**



**Ensure family-supporting jobs and a voice at work for local workers in construction and operations**



**Support local schools to promote education and career opportunities for all children**



**Broaden access to transit and mitigate traffic impacts**



**Provide community oversight of community benefits**

In exchange for these public resources, Google should **address the impacts of its expansion** by negotiating a comprehensive Community Benefits Agreement with the Silicon Valley Rising coalition. **It's time to set a new direction for equitable tech growth.**

Signed,

**Michael Sullivan**

95112

The City Clerk has received 2,401 similar petitions from Silicon Valley Rising. If you would like to view a copy, please visit the City Clerk's office.

# Support for Google San Jose

Jeremy Taylor < >

Mon 12/3/2018 2:11 PM

To:

Agendadesk;The Office of Mayor Sam Liccardo;District1;District2;District4;District5;District 6;District7;District8;District9; District 10;City Clerk

Hello,

I live near Bird/280 in a neighborhood called Gardner. My house is roughly .5 miles from where Google would be. A lot of the feedback I hear from neighbors is positive. Personally, I can't wait for Google to arrive.

If it's not Google, it will be some other tech company moving in close to or in downtown. We should not delay the inevitable and I cannot think of a better company than Google to move in. It'll change San Jose's future for the better. Instead of us looking up to Silicon Valley, Silicon Valley could look up to San Jose.

Protests have been calling foul with respect to housing. For the past few years, tech professionals have already been moving into Gardner; the low income residents of my neighborhood had already been selling their homes/moving out long before we talked about Google. We are seeing a few new houses built each year, usually being occupied by tech executives. Because of how close we are to the future Google office, I believe many Google employees will move to Gardner neighborhood. Therefore, I think our opinion is as important as they come.

It's my opinion that Google has been unfairly blamed by protesters + burdened with the task of fixing the housing crisis. Of the many events I have been to where protesters were present, not once did I see someone who lives in my neighborhood protesting. To sum it up: I do not believe the views of the protests are indicative of how those of us who live next to the future Google office. While I can sympathize with and respect their efforts, I don't believe their voice is more important than those of us who actually live where Google will be.

Speaking for no one else, I hope you approve the land sale tomorrow.

Respectfully Sent,  
Jeremy J. Taylor



November 30, 2018

San José City Council  
200 E. Santa Clara St.  
San José, CA 95113

**RE: Item 4.1 – Demand for Community-Led Process for Community Benefits Considering Violations of Local, State, and Federal Law in Relation to Sale of Public Land to Google**

Dear Mayor, Vice Mayor, and Councilmembers:

The sale of public lands to Google violates the California’s Surplus Land Act, which sets specific procedures for the sale of certain public lands, the City’s own municipal code, and the City’s duty to affirmatively further fair housing under the state and federal fair housing laws. The City’s disregard for these violations has allowed Google to push this project forward without a commitment to meaningful community benefits. Therefore, we write to demand the City of San José **delay consideration of the proposed Memorandum of Understanding and Purchase and Sale Agreement with Google until adequate and enforceable community-based measures to address the issues of housing and displacement are incorporated into the MOU.** Specifically, we demand that as part of the Memorandum of Understanding, the City require Google to engage in a community-based process to do the following:

- **Create and finance an affordable housing fund focusing on low-income residents to stop any displacement or homelessness as a result of the project.**
- **Require residential developments to allocate 25% of units for extremely-low and very-low-income residents.**
- **Mitigate displacements through emergency support services, including legal defense and rent assistance for Santa Clara County tenants facing eviction.**

The community-based process must not only allow the community to have a voice in determining community benefits, but also be community-led and have formalized decision-making processes that will result in concrete, specific community benefits and include mechanisms for holding the City and Google accountable.

**1. Sale of Public Lands to Google Without Substantive Commitments to Mitigate Displacement Threatens to Exacerbate the Housing Crisis**

San José is in a displacement crisis that undoubtedly will get exponentially worse with the public sale of land to Google if no sufficient and enforceable steps are taken to address displacement. In Santa Clara County, renters must now earn a whopping \$54.81 an hour in order to afford the median asking

rent.<sup>1</sup> Renters that earn less than half of the area median income pay 62% of their income on rent on average.<sup>2</sup> Such divergent economic trends naturally pressure members of our community to move out of the area in order to reduce such severe rent burdens, leaving them with longer commutes, worse health outcomes, disruptions in academic performance for children, and diluted community power.<sup>3</sup> Communities of color, who have historically lived in San José for generations, are most acutely affected by the displacement crisis, and are more likely to be displaced when these lands are sold to Google.

The proposed Memorandum of Understanding (MOU) and Purchase and Sale Agreement (PSA) lack any commitment whatsoever from Google to provide meaningful community benefits. Instead, the documents describe ambiguous “shared goals,” for the project such as to “[g]row and preserve housing,” and “minimize potential negative impacts on people and place...”<sup>4</sup> These goals are unenforceable and the MOU states that the City and Google merely “intend to include a specific Community Benefits Plan in the Development Agreement.”<sup>5</sup> Moreover, the MOU presupposes that the City and Google will exclude the community and negotiate directly over community benefits, as it states that both parties only “intend to consider the input” of community groups.<sup>6</sup> A promise to address community benefits later is inadequate. The City must commit now to a community-led process regarding community benefits to ensure that those most affected by displacement will not only have their voices heard, but also will benefit from the development.

This project will benefit from enormous public contributions, including the sale of 19.9 acres of the City’s most valuable downtown real estate,<sup>7</sup> over \$10 billion in public investment to make Diridon Station the largest transit hub on the West Coast, and a number of planning amendments and zoning changes that will increase the value of the land by several million dollars.<sup>8</sup> To date, the City has not required Google to offer concrete benefits to the people of San José in exchange as part of the MOU. **Therefore, we demand that the City immediately amend the MOU to require that Google commit to enforceable, community-based process to address displacement as outlined above.**

## **2. The City of San José’s Sale of Public Lands to Google Violates Local, State, and Federal Law**

a. *The City’s Sale of SARA Lands to Google Violates the California Surplus Land Act*  
California’s Surplus Land Act applies to the parcels included in the Google project area that are owned by the Successor Agency to the Redevelopment Authority (SARA) of San José. The Surplus Land

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<sup>1</sup> CAL. HOUS. P’SHIP CORP., SANTA CLARA COUNTY’S HOUSING EMERGENCY AND PROPOSED SOLUTIONS 3 (Apr. 2018), <https://1p08d91kd0c03rlxhmhtydr-wpengine.netdna-ssl.com/wp-content/uploads/2018/04/Santa-Clara-2018-HNR.pdf>.

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

<sup>3</sup> *Pushed Out: Displacement Today and Lasting Impacts*, URBAN DISPLACEMENT PROJECT, <http://www.urbandisplacement.org/pushedout> (last visited Nov. 29, 2018).

<sup>4</sup> Draft Memorandum of Understanding Between the City of San José and Google LLC, at 4 (Dec. 4, 2018).

<sup>5</sup> *Id.* at 7.

<sup>6</sup> *Id.*

<sup>7</sup> CITY OF SAN JOSÉ, DRAFT DIRIDON STATION AREA CIVIC ENGAGEMENT REPORT 9 (Sep. 20, 2018), <https://static1.squarespace.com/static/5ac25ee97c93273adec934d7/t/5ba56f060d9297701b00a88a/1537568531976/DRAFT+DSA+Community+Engagement+Report.pdf>.

<sup>8</sup> ENVISIONING COMMUNITY, *supra* note, at 3.



Act, which requires cities and districts empowered to hold property to prioritize the sale of surplus public lands for specific, articulated uses, including the development of affordable housing, before the public lands can be sold for development.<sup>9</sup> Local agencies must then give first priority to, and enter good faith negotiations with, an interested entity that proposes to make at least 25 percent of the total number of units developed on the parcel affordable to extremely low and very-low income households.<sup>10</sup> Finally, local agencies must give priority to the entity that proposes to provide the greatest number of affordable units at the most deeply affordable levels.<sup>11</sup>

To date, it is our understanding that neither the City of San José nor SARA has ever issued a written offer to developers of affordable housing, or other agencies for the surplus parcels that the City plans to sell to Google in compliance with the Surplus Land Act. To move forward with the sale of SARA-owned parcels without complying with the Surplus Land Act is a clear violation of both the letter and the spirit of state law.

The statement of legislative intent in the Surplus Land Act shows that the SARA lands around Diridon Station are exactly the kind of properties the Act was meant to prioritize for affordable housing. In passing the act, the state legislature declared “that there is a shortage of sites available for housing for persons and families of low and moderate income and that surplus government land, prior to disposition, should be made available for that purpose.”<sup>12</sup> It specifically prioritized “...appropriate planning and development near transit stations,” finding that the “sale or lease of surplus land at less than fair market value to facilitate the creation of affordable housing near transit is consistent with goals and objectives to achieve optimal transportation use.”<sup>13</sup>

Rather than create affordable housing near Diridon Station that would ease traffic congestion and make the units more accessible to people of all income levels as the Surplus Land Act clearly intended, the City’s plan to sell these lands to Google will bring an estimated 20,000 high-income workers from outside San José to the middle of downtown, adding to existing congestion, raising housing prices city-wide, and displacing San José’s most vulnerable residents. This is exactly the kind of inequitable development the state legislature sought to avoid with the Surplus Land Act.

b. *The City’s Sale of Municipal Lands to Google Violates the California Surplus Land Act*

Sale of the municipally-owned lands around Diridon Station also violates California’s Surplus Land Act. Again, this Act requires cities, including charter cities,<sup>14</sup> and districts empowered to hold property, to prioritize the sale of surplus public lands for specific, articulated uses, including the development of affordable housing, before the public lands can be sold for development.<sup>15</sup> The City has

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<sup>9</sup> See Cal. Gov’t Code §§ 54220 et seq.

<sup>10</sup> *Id.* §§ 54222.5, 54223.

<sup>11</sup> *Id.* § 54227.

<sup>12</sup> Cal. Gov’t Code § 54220(a).

<sup>13</sup> Cal. Gov’t Code § 54220(c).

<sup>14</sup> San José Council Policy 7-13, discussed above, was recently challenged as preempted by the Surplus Land Act. See *Anderson v. City of San José*, No. 16-CV-297950 (Santa Clara Cty. Super. Ct.) (order on demurrer). That case is currently on appeal and should not control until a final decision is reached. Furthermore, the decision will not impact the law governing the SARA parcels to be sold to Google, to which Council Policy 7-13 does not apply.

<sup>15</sup> See Cal. Gov’t Code §§ 54220 et seq.

not taken any of the steps required under the law, and is therefore not in compliance with the Surplus Land Act.

While we recognize the City's position has been that it is not obligated to abide by the Surplus Land Act, this position is currently under review by the Court of Appeal.<sup>16</sup> Should the Court of Appeal reverse the earlier decision and find that the City is in fact obligated under the Surplus Land Act to prioritize the sale of land for affordable housing or other uses, the City may expose itself to liability for choosing to sell the land to Google in violation of the Act. By committing to supporting the development of affordable housing to address displacement, the City can shield itself from potential liability related to violations of the Surplus Land Act.

c. *The Sale of the Land Violates San José's Municipal Code*

The City's sale of public lands to Google violates its own land-sale ordinance. San José Municipal Code § 4.20.020 requires that all sales of land to a private developer for the purpose of economic development go through direct negotiation, *but only after the land has been declared surplus*.<sup>17</sup> Additionally, San José's Council Policy 7-13 sets a specific procedure for declaring land surplus.<sup>18</sup> To date, upon information and belief, the City has not completed a single step of the process to declare that the city-owned parcels to be sold to Google are surplus. As a result, no Preferred Entities that could develop affordable housing, recreational space, or schools on the land have been identified and the City has deliberately prevented any opportunity for such development. Neither the City nor any of its subdivisions have discretion to forego this process because the policy describes "the actions that are *required* to sell the surplus property."<sup>19</sup> Thus, the City's direct negotiation with Google regarding the sale of land around Diridon Station disregards its ministerial duties under Council Policy 7-13.

d. *The City's Sale of Public Lands to Google Violates State and Federal Fair Housing Laws*

San José's plans to sell the land around Diridon Station to Google for a new tech campus violate the City's duty to Affirmatively Furthering Fair Housing (AFFH) under federal and state laws.<sup>20</sup> The City is required to take "taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws."<sup>21</sup>

In violation of its duty to AFFH, the City has failed to analyze the potential impacts of the planned Google development on people of color living in San José prior to approving its sale.<sup>22</sup> The development would raise property values and rents city-wide leading to massive displacement of the

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<sup>16</sup> See *Anderson*, *supra* note 14.

<sup>17</sup> SAN JOSÉ, CAL., MUNI. CODE § 4.20.100.

<sup>18</sup> San José, Cal., Council Policy 7-13 Ex. A (Apr. 26, 2016).

<sup>19</sup> *Id.* (emphasis added).

<sup>20</sup> 42 U.S.C. § 3608(e)(5).

<sup>21</sup> 24 CFR § 5.152; *see also* AB 686, Santiago. Housing discrimination: affirmatively further fair housing.

<sup>22</sup> On September 30 of this year, Governor Brown signed into law California's own law requiring cities to AFFH.<sup>22</sup> Although the law will not take effect until January 1, 2019, its passage shows that the people of California expect cities to do their part in addressing the state's affordable housing crisis.

city's most rent-burdened tenants, the majority of whom are people of color.<sup>23</sup> In addition to people of color, single female heads of households are already evicted from Santa Clara County at a vastly disproportionate rate compared to the general population.<sup>24</sup> Should the Google development go forward without meaningful protections against displacement, these disparities will only get worse. Therefore, the City's approval would have a disparate impact in violation of the Federal Fair Housing Act and FEHA.<sup>25</sup>

### **3. The City of San José Can Avoid Significant Legal Liability by Requiring Google to Mitigate the Negative Impacts of Displacement**

The cities of East Palo Alto,<sup>26</sup> Oakland,<sup>27</sup> San Francisco,<sup>28</sup> Los Angeles,<sup>29</sup> Denver,<sup>30</sup> New York City,<sup>31</sup> and Baltimore,<sup>32</sup> among others, have all played their role in directing developers to negotiate with the community to reach an agreement to mitigate the negative effects of development on their community. As a result, these communities were able to secure commitments from developers to institute local hiring programs, provide affordable housing, pay living wages, provide job training, fund local services to mitigate displacement and other hardships that result from the development, create parks and open space, provide environmental benefits, and more. As these communities have shown, requiring developers to own up to their responsibility to a community is neither extortion nor a shakedown, but responsible governance. We expect nothing less of San José before public lands are sold to Google.

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<sup>23</sup> SILICON VALLEY RISING, CASHING IN ON RENTERS 1 (Apr. 2017), <https://www.siliconvalleyrising.org/files/CashingInOnRenters.pdf>.

<sup>24</sup> *Id.* at 2.

<sup>25</sup> See *Yazdinin v. Las Virgenes Vill. Cmty. Ass'n*, 2012 U.S. Dist. LEXIS 191221, \*14 (C.D. Cal. 2012) ("Plaintiffs must demonstrate that the objected-to action results in, or can be predicted to result in, a disparate impact upon a protected class compared to a relevant population as a whole." (citing *Charleston Hous. Auth. v. USDA*, 419 F.3d 729, 740-741 (8th Cir. 2005))).

<sup>26</sup> Compact to Increase Equity, Opportunity and Access in Silicon Valley (Nov. 23, 2016), <https://www.publicadvocates.org/wp-content/uploads/ETB-Facebook-CBA-2016-Fully-Executed.pdf>.

<sup>27</sup> Oakland Army Base West Gate Operations Jobs Policy, <http://www.forworkingfamilies.org/sites/pwf/files/documents/OABWestGateway.pdf>; Oakland Army Base Vertical Construction Jobs Policy, <http://www.forworkingfamilies.org/sites/pwf/files/documents/OABVerticalConstruction.pdf>; Oakland Army Base Public Improvements Construction Jobs Policy, <http://www.forworkingfamilies.org/sites/pwf/files/documents/OABPublicImprovement.pdf>; Oakland Army Base East and Central Gateway Operations Jobs Policy, <http://www.forworkingfamilies.org/sites/pwf/files/documents/OABEastandCentralGateway.pdf>.

<sup>28</sup> Core Community Benefits Agreement: Hunters Point Shipyard/Candlestick Point Integrated Development Project (May 30, 2008), [https://d10benefits.org/wp-content/uploads/2013/01/lennar\\_ad10\\_ccba\\_executed-1.pdf](https://d10benefits.org/wp-content/uploads/2013/01/lennar_ad10_ccba_executed-1.pdf).

<sup>29</sup> Cooperation Agreement: Los Angeles International Airport Master Plan Program (2004), <https://www.lawa.org/en/lawa-our-lax/community-benefits-agreement>.

<sup>30</sup> THE CAMPAIGN FOR RESPONSIBLE DEV., COMMUNITY BENEFITS ACHIEVEMENTS AT THE CHEROKEE-GATES PROJECT, <http://www.forworkingfamilies.org/sites/pwf/files/documents/CherokeeGates.pdf>.

<sup>31</sup> Exhibit A: Community Benefits Program, <http://www.forworkingfamilies.org/sites/pwf/files/documents/Kingsbridge%20FINAL%20Exhibit%20A%20-%20Community%20Benefits%20Program.pdf>.

<sup>32</sup> New Port Covington Amended and Restated Consolidated Memorandum of Understanding (2016), <http://www.buuildiaf.org/site/wp-content/uploads/Port-Covington-MOU.pdf>.

#### 4. Conclusion

The City is violating local, state, and federal law in approving the sale of public lands to Google without adequate measures to mitigate displacement that will occur with the development. The City can and should mitigate this liability by amending the **Memorandum of Understanding and Purchase and Sale Agreement with Google to require an adequate and enforceable community-based process and require that Google address the issues of housing and displacement through an affordable housing fund, a 25% affordable housing set-aside, and assistance for those facing displacement.** The community-based process must not only allow the community to have a voice in determining community benefits, but also be community-led and have formalized decision-making processes that will result in concrete, specific community benefits and include mechanisms for holding the City and Google accountable. We thank you for your consideration.

Sincerely,

Nadia Aziz, Supervising Attorney  
Matthew Warren, Senior Staff Attorney

CC:  
Rick Doyle, City Attorney  
David Sykes, City Manager  
Javier Gonzales, Google  
Successor Agency to the Redevelopment Agency

-----Original Message-----

From: Lorna Freels ]

Sent: Monday, December 3, 2018 1:08 PM

To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>

Subject: Land For Sale to Google

Mayor Liccardo,

Please don't let the land be sold  
to Google.

Housing needs to be provided in  
San Jose for Veterans and the  
poor.

Lorna Freels

Sent from my iPhone

**From:** Katrina Lopez [ ]  
**Sent:** Monday, December 3, 2018 11:53 AM  
**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>  
**Subject:** NO GOOGLE

Sam Liccardo -

NO TO GOOGLE.

An infiltration of people with the entitlement to do as they please in the name of their employer, is what would be coming to San Jose, and that is NOT San Jose.

I'm sure the pressure to sign a deal with Google is high, however the role you signed up for, and the influence you have, is intended for the people - not just the wealthy percentage that would benefit from this deal.

The long term affects - sky rocketed housing, gentrification to our beautiful multi-ethnic city, pushing out of some of our vulnerable community members, traffic congestion (WE DO NOT WANT GOOGLE BUSES)!!! The city would be catering to the beneficiaries of this deal (Google Employees) and that's FAR from a solution to the current issues San Jose has at bay.

Your created a bus line from the East Side to Downtown - NOBODY USES THAT LINE - however now it's obvious YOU created that line for YOUR tech friends moving towards the East Side and not for the community at all (that area is the worst congested area since that bus line was placed and it is hardly used).

Please, PLEASE - DO NOT SELL OUT.

What has google promised to do for you and your grandkids? Because I can tell you they haven't and will do nothing for mine.

Don't do it.

Katrina

## HONORARY COUNCIL

Hon. Jim Beall  
*California State Senator*

Hon. Kansen Chu  
*State Assembly Member*

Hon. Dave Cortese  
*Santa Clara County Supervisor*

Hon. Ash Kalra  
*California State Assembly Member*

Hon. Sam Liccardo  
*Mayor, City of San Jose*

Hon. Evan Low  
*California State Assembly Member*

Councilmember Raul Peralez  
*City of San Jose*

Chuck Robbins  
*CEO, Cisco*

Councilmember Donald Rocha  
*City of San Jose*

Hon. Mike Wasserman  
*Santa Clara County Supervisor*

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*Destination: Home*

Joel John Roberts  
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Dr. Jeffrey Smith  
*County of Santa Clara*

John A. Sobrato  
*The Sobrato Organization*

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*Spectrum Equity Investors*

Ted Wang  
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Erica Wood  
*Silicon Valley Community Foundation*



## DESTINATION: HOME

December 3, 2018

Honorable Mayor Sam Liccardo and Members of City Council  
City of San José  
200 East Santa Clara Street, 18<sup>th</sup> Floor  
San José, CA 95113

### Re: December 4, 2018 – Item 4.1

Dear Mayor, Vice Mayor, and City Councilmembers,

On behalf of Destination: Home, I am writing now to strongly encourage you to fully utilize this unprecedented opportunity to create more affordable housing for extremely low income households, the most vulnerable members of our community.

While we commend the Mayor and Councilmembers for looking towards the future by recommending the amendment of the Envision 2040 General Plan at the soonest possible date to require a mandate of at least 25% affordable housing for all housing built in the Diridon Station Area, this recommendation does not go far enough for those who need our help the most. Given the soaring cost of living, the lack of affordable housing, a rash of evictions, and an absence of available living wage jobs, the reality is that many of our neighbors are already on the streets or on the brink of homelessness. As a City, we must not only call for as much affordable housing as we can through this process, but also ensure that the housing created reflects the real needs of our poorest neighbors.

The current demand for all types of housing adds to an extremely challenging situation for the most vulnerable members of our community, residents with fixed incomes, and minimum wage workers. In fact, the lowest-income renters in our community spend 62% of their income on renting, leaving little left for food, transportation, health care, and other essentials. According to a 2018 report from California Housing Partnership Corporation, when housing costs are considered, Santa Clara County's poverty rate rises from 7.9% to 16.2%.

All of this reinforces that the dire need for deeply affordable housing is now more present than ever in San José. Continuing to consider how the City Council can adopt residential standards through the Diridon Station Area planning process to reinforce the need to build more extremely low income housing is critical to the future of our community. **We need to look past arguments of feasibility, value, and practicality, and instead solve for the most pressing problems that we face and will continue to face without your direct intervention.**

## HONORARY COUNCIL

Hon. Jim Beall  
*California State Senator*

Hon. Kansen Chu  
*State Assembly Member*

Hon. Dave Cortese  
*Santa Clara County Supervisor*

Hon. Ash Kalra  
*California State Assembly Member*

Hon. Sam Liccardo  
*Mayor, City of San Jose*

Hon. Evan Low  
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Chuck Robbins  
*CEO, Cisco*

Councilmember Donald Rocha  
*City of San Jose*

Hon. Mike Wasserman  
*Santa Clara County Supervisor*

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Jennifer Loving  
*Destination: Home*

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*County of Santa Clara*

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*The Sobrato Organization*

Ben Spero  
*Spectrum Equity Investors*

Ted Wang  
*Cowboy Ventures*


Erica Wood  
*Silicon Valley Community Foundation*



## DESTINATION: HOME

I look forward to continuing to engaging in this discussion as the planning process moves forward. Thank you for your continued work and partnership.

Sincerely, 

Jennifer Loving  
CEO, Destination: Home 



December 3, 2018

Mayor and City Councilmembers

Re: item:12-1595 on December 4 Council Agenda

Honorable Mayor, Vice Mayor and City Councilmembers:

The North Willow Glen Neighborhood Association welcomes a collaborative effort between the City of San Jose and Google. Google has demonstrated earnest regard for the values of its future neighbors through a preeminent campaign of community outreach. Google's willingness to invest without fiscal concession from San Jose bolsters its credibility as a conscientious entity whose mantra is *do the right thing*. The campus it creates will likely become a showpiece for San Jose and catalyze future development in the area. For these reasons, North Willow Glen Neighborhood Association has arrived at the decision to offer full esteem and backing of a partnership with Google as our neighbor.

One of the oldest neighborhoods in San Jose, North Willow Glen is five blocks south of the proposed development. Due to its proximity, the neighborhood is affected directly by any changes to the Diridon Station Area. As such, NWGNA carefully considers and renders its position on various projects with caution. The NWGNA advocates for entities that respect the balance that exists in the community, but happily welcomes forward progress. Google has shown absolute deference to every concern including housing displacement, environmental impact, traffic, creation of open space/trails and responsible hiring practices. Of notable importance is Google's recognition of the sense of place and historical signature emblematic of North Willow Glen. Google's human-centric design philosophy seems to transcend structures, laying the foundation for better quality of life in the surrounding communities.

Google is not a panacea for the issues that plague San Jose. Google's ability to contribute to San Jose's development through revenue and policy development is undeniably significant. Hopefully the Council's decisions balance the wishes of constituents against the allure of emergent commerce. The Council is urged to make decisions that consider the long-term health of the residents of San Jose at the forefront. With pride, North Willow Glen looks forward to continued engagement in the civic processes that improve life for everyone in San Jose.

Sincerely,

Bill Rankin  
Harvey Darnell  
John Ingco  
North Willow Glen Neighborhood Association

**From:** Jeffrey Essner < >  
**Sent:** Monday, December 3, 2018 3:21 PM  
**To:** City Clerk  
**Subject:** Support for the Google land sale and development

Dear Counsel member, I wanted to express my strong support for the proposed Google development in downtown San Jose. I believe strongly in a forward-looking vision that would create a vibrant, dense, walkable, transit-adjacent mixed-use city center with beautiful public spaces for the community to enjoy. I support the proposed partnership between the City of San Jose and Google as a first step in bringing that vision to life.

**Jeffrey Essner**  
Shareholder

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**From:** Howard and Susan Friedman [ ]  
**Sent:** Saturday, December 1, 2018 11:33 AM  
**To:** The Office of Mayor Sam Liccardo  
<TheOfficeofMayorSamLiccardo@sanjoseca.gov>  
**Subject:** Google Campus

Hon. Mayor Liccardo

I am writing to let you know I am not opposed to the Google Campus, but I am supportive of ideas that the money made from the sale of public land can be used to fund some issues/solutions to problems we face here in San Jose that are a national issue as well. We also need some kind of revenue on the profitable businesses to help the needy. Our business model in the US is based on profits before people and our environment. In my humble opinion, we might want to be innovators in changing this model beginning in our city.

Money and machines are tools for humanity. I believe the tools serve us and it seems as if we serve the tools. Please consider a humane approach to solving the increasing problems of homelessness, mental illness, food insecurity, and income disparity by being an agent of change. I don't think government is the ultimate solution, but I see it as an important part of the potential solution. Hopefully, you can help lead the way to make our city a place for all our citizens to thrive and live in peace and safety.

Sincerely,

Howard Friedman

December 3, 2018

The Honorable Mayor Sam Liccardo  
Members of the San José Council  
200 East Santa Clara Street  
San José, CA 95113

**RE: 12/4/18 City Council Item 18-1595 on the Diridon Station Area**

Dear Mayor Liccardo and Councilmembers:

Greenbelt Alliance is the San Francisco Bay Area's leading organization working to protect natural and agricultural landscapes from sprawl development and help our cities and towns grow in smart ways. We are the champions of the places that make the Bay Area special, with more than 10,000 supporters and a 60-year history of local and regional success.

**We are writing in regards to your December 4th hearing on the future of the Diridon Station Area.**

We strongly support the transformation of the Diridon Station Area into a thriving compact, mixed-use neighborhood that serves the needs of residents across the income spectrum, anchored by high-quality transit and robust investments in accessible green infrastructure. We appreciate the inspiring vision and shared goals proposed in the MOU between the City of San José and Google. As the MOU is refined, we encourage the City to consider the following:

- **Solutions for Housing affordability and Displacement** – The MOU reflects our call for the integration of substantial housing for residents across the income spectrum and measures to address displacement along with new jobs to create a new city center that benefits all of San Jose. The MOU should also include a commitment for at least 25% of new homes to be permanently affordable to low-income residents.
  - **Transportation choices** – The MOU wisely calls for minimizing land dedicated to parking and providing a robust array of interconnected multi-modal transportation choices. These features should permeate the Diridon Station Area to create mobility options for all users of the area and foster seamless connections to other parts of the city.
  - **Nature and Public Spaces** – The Diridon Station Area provides a once-in-a-generation opportunity to act on a large scale to improve San José's public realm while preserving and restoring our natural resources. We appreciate that the MOU calls for state-of-the-art sustainability innovations with
-

improvements to wildlife habitat and creek corridors. We encourage the city to expand the MOU to include a commitment to daylighting Los Gatos creek.

We have had the pleasure of working closely on the City of Mountain View's North Bayshore Plan and appreciated the innovative concepts brought forward by Google to establish a cutting-edge development proposal that advances our region's environmental, social equity, and economic goals. We have been similarly impressed by many of the ideas Google has brought forward for the Diridon campus. We hope that San José seizes this current opportunity to work with the community and Google to craft and execute a detailed plan for the Diridon area that enhances our environment, meets the needs of people across the income spectrum, and improves the quality of life for all Bay Area residents.

Sincerely,

Matt Vander Sluis  
Deputy Director

Tony Mirenda <

>

Mon 12/3/2018 4:15 PM

To: Agendadesk

12/3/18

Good afternoon.

As a local professional who has spent his entire 40+ year professional career as a builder and business leader in downtown San Jose and throughout the Silicon Valley, I would like to express my personal approval to the potential downtown Google project. This would be a tremendous project for our City and the economic development for much of our retail in the surrounding area would be significant. The proposed project would provide thousands of construction jobs and I also believe that the work force housing that would come with this project might actually take commuters living in San Jose but commuting to Mountain View off of the roadways.

I strongly urge Council to take a bold and positive step in leading our City into the next step of planned and smart urbanization. Please vote in favor of all of the Staff Recommendations dated 11/16/18 on the land terms and the proposed MOU.

Sincerely,

Anthony (Tony) P. Mirenda  
Member of The SVO Board and Executive Committee



Shasta/Hanchett Park Neighborhood Association

December 3, 2018

Mayor Liccardo and Members of City Council  
City of San Jose  
200 East Santa Clara St  
San Jose, CA 95113

**Re:** December 4, 2018 Council Agenda Item 4.1: Actions Related to the Agreement with Google for the Diridon Station Area

Dear Honorable Mayor Liccardo and Honored Members of City Council,

On behalf of the Shasta / Hanchett Park Neighborhood Association (S/HPNA), I would like to thank you for the opportunity to comment on the proposed Agreement with Google for the Diridon Station Area. S/HPNA was founded in 1984 to protect the interests of our historic and beloved community. Over the years, we have worked with the City of San Jose, developers, builders, and our neighbors to create a balanced neighborhood. We represent over 1,400 households in neighborhoods immediately West of San Jose Diridon Station, and along the West of the current Caltrain corridor from Park Avenue in the South, to West Taylor Street in the North.

Having acted as S/HPNA's representative to the City's Station Area Advisory Group (SAAG) for the last nine months, I have witnessed firsthand the substantial outreach efforts made by the City of San Jose regarding the proposed development of the Diridon Station Area. As the representative of the neighborhoods immediately to the West of Diridon Station, S/HPNA has a more than twenty-five-year history of consistent advocacy for coherent, balanced development in the area. Therefore, we would like to thank you for acknowledging the placemaking, environmental, and economic impacts that the development of the Diridon Station Area will have on our residents.

Advocating for community benefits, viable commercial spaces, and pedestrian-friendly development on a parcel-by-parcel basis can prove to be a particularly difficult windmill at which to tilt. Therefore, S/HPNA is optimistic about the opportunities offered by a mixed-use development of the size and scope proposed by Google. The ability to create consistent, tangible public improvements must be a vital part of any such development. During the SAAG process, Google's design team has been exemplary in its willingness to listen to the surrounding neighborhoods, and to incorporate their feedback, concerns, and criticisms into subsequent iterations of their vision for the project. The importance of this desire to engage in substantive, detailed discussions cannot be overstated. Therefore, we would like to thank Google for its efforts.

In recent months, we have all seen the lengths to which municipalities throughout the United States have gone in order to woo the likes of Amazon's HQ2 or Foxconn's proposed Wisconsin plant. The significant tax breaks and subsidies that the winning locations have agreed to provide are staggering, and potentially devastating, should the economic projections fall short. Therefore, we endorse the recommendation from Councilmembers Peralez and Davis, per the Memorandum dated November 16, 2018, that no public funds, subsidies, or fee / tax exemptions will be provided to Google.

The lessons learned during the creation of The Alameda Urban Village can apply directly to the proposed Google development. The dialog between S/HPNA and City staff created an Urban Village document unlike any other, with significant detail regarding historic preservation, consistent signage, and more. These lessons and guidelines can and should be amplified and expanded upon as part of any agreement with Google. S/HPNA is a neighborhood rich in history, and home to numerous Historic Landmark structures. In addition to being S/HPNA current President, I also have the honor of being the current Chair of the City's Historic Landmarks Commission. Similarly, our current Treasurer lives in an Historic Landmark home. With buildings such as Diridon Station and the San Jose Water Company at the heart of the proposed development, attention to the existing historic and cultural fabric of the Diridon Station area must be an integral part of any agreement with Google as well. Towards that end, as part of the SAAG process, I presented a five-minute TED-talk style discussion about the

historic resources within the boundaries of the DSAP. The video of said presentation is available online at <https://www.diridonsj.org>, and the PDFs of my PowerPoint presentation are attached herein.

The neighborhoods immediately adjacent to the Diridon Station Area will experience the most tangible, day-to-day impacts of the proposed development. Therefore, the lessons learned by each of these neighborhoods should be taken to heart, so as not to repeat errors of the past. Towards that end, we would like to emphasize the importance of the following aspects of any potential development:

- *Substantially enhance the pedestrian and non-vehicular connections between the surrounding neighborhoods and the Diridon Station Area.* Currently, the Diridon Station underpass, the underpass bridge beneath the Caltrain tracks near SAP Center, and the Julian Street underpass are the only real means by which to access the Diridon Station Area from S/HPNA. To call each of the three less-than-pedestrian friendly is a gross understatement. Direct, line-of-sight and walkable connections between S/HPNA and the Diridon Station area will increase the interaction between the two, which will be vital to the economic viability of the commercial and retail aspects of the proposed development.
- *Parking remediation.* As the proposed San Jose Arena came to fruition, S/HPNA made clear its concerns regarding the potential deficiencies in parking, and the likely impact this would have on those portions of S/HPNA closest to the project site, especially the St. Leo's Neighborhood. The City created a permit parking zone for the residents of St. Leo's, in order to reduce the number of Pavilion patrons that would park within the neighborhood. One of our primary concerns regarding the sale of lots A / B / C to Google is the undermining of the parking capacity in and around SAP Center and Diridon Station, and any potential deviations from the City's agreement with San Jose Arena Management. We strongly encourage the City Council to think creatively about how to address, both legislatively and administratively, the potential further degradation of the parking in and around Diridon Station.
- *Mixed-use development immediately adjacent to SAP Center and Diridon Station.* One need only point to the proposed Apple "spaceship" campus in Cupertino as an example of everything the proposed development should \*not\* be. A wholly insular corporate campus, designed solely for vehicular access, will erode what little pedestrian and commercial viability remains within the Diridon Station area, and consign to irrelevance and isolation what should instead be a vibrant connector between Downtown San Jose, the Diridon Station area, and the surrounding neighborhoods. An appropriate mixed-use development will create waves of activation throughout the weekdays and weekends, rather than solely populating the area during business hours. The end of the work day should be just the beginning of the energy and activity within the Diridon Station area, with restaurants, shops, music venues and more drawings residents from throughout San Jose, and, thanks to the proximity of Diridon Station, from throughout the Bay Area and beyond.
- *Parks and open space.* At present, S/HPNA, like many of the adjacent neighborhoods, is severely underserved in parks as per the City's requirement of 3.5 acres of parkland per 1,000 residents. The City cynically attempted to address this shortfall by counting SJUSD and SCCOE school properties as parkland. When the partial pave-over of the greenspace at the former Hester School campus was undertaken, the problem was further exacerbated. In-lieu of fees should not be allowed as part of any proposed Google development. The loss of the potential large park at the Fire Training Center needs to be offset by substantial, activated green spaces throughout the Diridon Station area; the previously-described "Green Fingers", an activated area along daylighted waterways through the Diridon Station area, and improved pedestrian and non-vehicular access to and through the area need to be an integral part of any proposed development.
- *Incorporate existing cultural and historic aspects of the Diridon Station area.* The perpetuation of local, iconic businesses such as Poor House Bistro are vital to the success of the project. Actively encourage Google to incorporate local, non-chain business entities into the multi-use portions of the project. A prominent developer in San Jose once spoke to me about Starbucks and other such chain establishments as the "brass ring" for a successful development. A successful commercial space is important, but for the Diridon Station area to thrive, it cannot simply house the next iteration of the same restaurants, coffee shops, and businesses found elsewhere within the City. Said "brass ring" is a win for the developer, who sees a potential long-term lease, but a loss for the neighborhood. How many Starbucks or chain sandwich shops would a San Jose resident be willing to travel past in order to patronize the Diridon Station iteration of said chain? The answer is none. Unique, local, culturally relevant businesses will be what draws residents from the surrounding neighborhoods, and throughout San Jose, to the Diridon Station area. Poor House Bistro is but one very clear example of this.
- *Local businesses as part of the corporate development.* The topic of corporate cafeterias and related perks is a hot topic in the Bay Area. Rather than creating internal food courts, dry cleaners, coffee



shops, etc. as part of a development, the City should advocate for local businesses, owned and operated by local residents, which are open to the public, while also offering special incentives to Google employees. While this presents potential security challenges for corporations such as Google, we believe that the benefits far outweigh the potential costs.

- *Development should embrace the potential for Diridon Station as a 'Grand Central Station of the West'.* Nowhere in California is there a greater potential for a synergy between transportation and mixed-use development. The eventual presence of Caltrain, High Speed Rail, VTA, Bart, ACE, and AMTRAK should be reflected in a grandness of vision and built environment as part of the Diridon Station Integrated Concept (DISC). While the representative transit agencies have been late in coming to the table, by only now beginning to discuss how to integrate their disparate station needs and desires, Google and the City of San Jose have the opportunity to have just as grand a vision. The potential Google development should think just as big; a development worthy of all of those means of transportation, and once that encourages those from San Jose, the Bay Area, and beyond to travel to Diridon Station.

The Memorandum of Understanding should be at the heart of any agreement with Google. City Staff and Google should take as guiding principles the entirety of the MOU, along with the feedback provided through thousands of man hours by the more than thirty organizations represented on the SAAG. While we understand the potential difficulties with mandating that some or all of the MOU becomes statutory requirements for any Google development(s) in the Diridon Station Area, we are admittedly concerned that the results of the SAAG's nine months of input are being passed along to Google as hopes and desires, rather than tangible necessities. Handcuffing the MOU with the statement that "this MOU does not imply any obligation on the part of City of the Developer to enter into any agreement that may result from the aspirations and intentions set forth herein" is a mistake. This is a formal and legal agreement, and the work of the SAAG, as embodied in the MOU, should be more formally incorporated therein. Had Google not been such an open and willing participant in the SAAG discussions, the presentation of the MOU as a "wish list", rather than as a set of requirements to be addressed and discussed as part of any proposed developments, we would be hard-pressed to endorse the current proposal before the City Council. That being said, we remain cautiously optimistic.

The best means by which to ensure that the MOU is not swept under the rug is to empanel the existing SAAG with the authority to review and approve any and all related Community Benefits Agreements. Therefore, we wholeheartedly support the Memorandum for Councilmember Peralez, dated December 3, 2018, calling for the reconvening of the SAAG to publicly discuss any CBAs or Development Agreements. This would empower the neighborhoods and organizations most directly impacted by the proposed developments to have the appropriate level of input in the process. Our concern is that professional advocacy groups, with the resources and staff to actively lobby for and / or litigate their wants and desires, will otherwise have a disproportionately loud voice in the discussion. Please find attached our previous correspondence, co-signed by The Alameda Business Association, St. Leo's Neighborhood, and S/HPNA. This correspondence is not included in the record for Tuesday's Agenda item, which is an oversight that we would like to correct by attaching it herein.

We take pride in our neighborhood; S/HPNA Board members and volunteers have been diligent advocates and volunteers throughout the City for many years, and will continue to do so. Therefore, we ask you to match this dedication. Our community can only benefit from your support today. We look forward to being a part of the process to address quality urban planning, public safety, and truly livable amenities for the diverse community in and around Diridon Station.

Respectfully submitted,

Edward Saum  
President, Shasta/Hanchett Park Neighborhood Association

Attachments: 2018.06 SAAG\_Edward Saum\_SHPNA (PDF of Powerpoint presentation)  
2018.10 ABA STL SHPNA to Council – SAAG Comments (previous correspondence)



# Historic Preservation Resources



Edward Saum, Shasta / Hanchett Park Neighborhood Association

# Why is Historic Preservation Important?

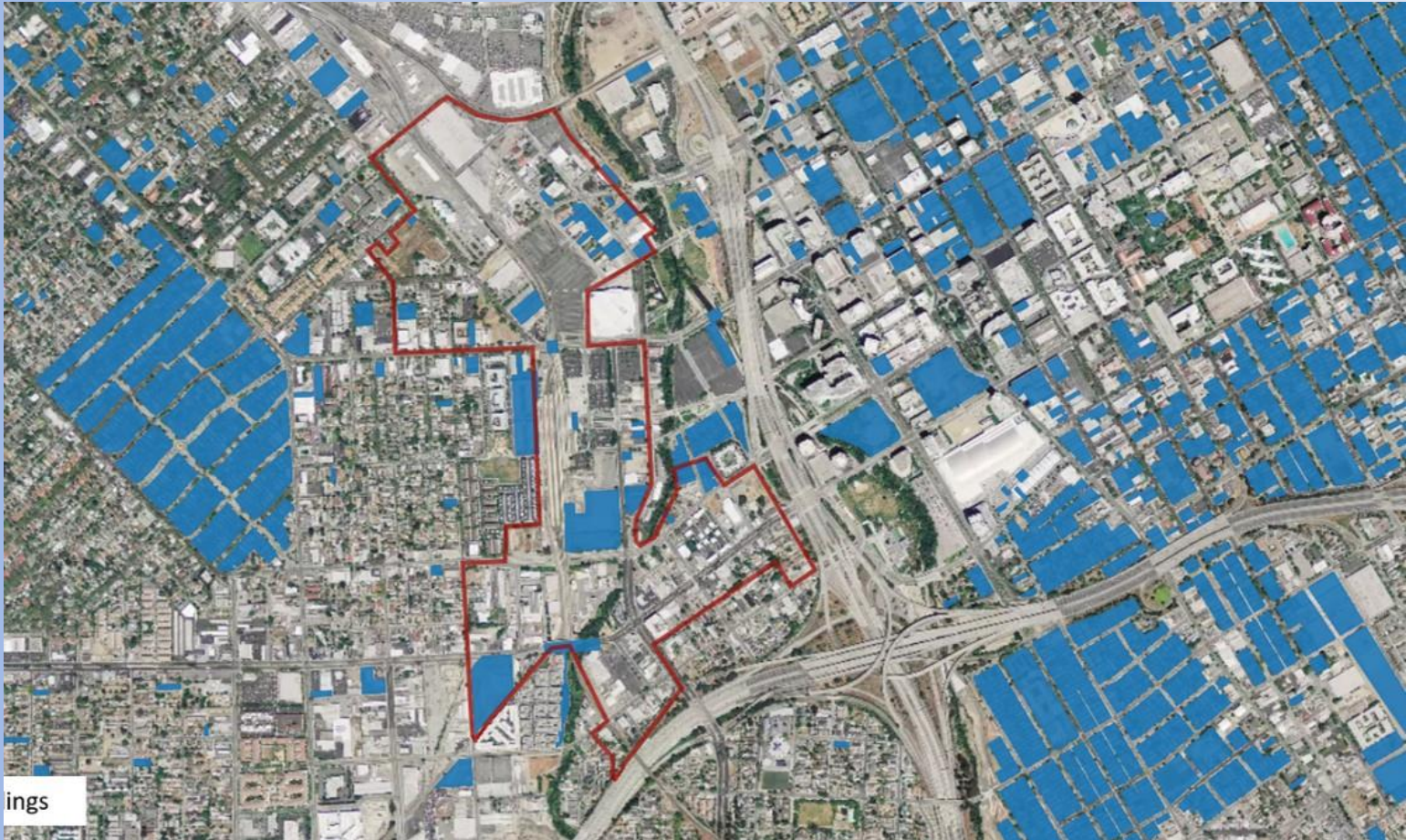
A development that is truly part of its context, rather than just placed within it, must acknowledge the community's unique architectural and cultural heritage

In previous developments, Google has emphasized its commitment to quality and innovation in workplace design and sustainability

California Environmental Quality Act (CEQA) includes historical resources (buildings, structures, or archaeological resources) as part of the environment, making them subject to review as part of any proposal's environmental impact analysis



# Local Historic Resources



The Diridon Station Area includes 34 properties listed on the City of San José Historic Resources



# Applicable Historic Guidelines

National Register of Historic Places: <https://www.nps.gov/nr/>

California Register of Historic Places: [http://ohp.parks.ca.gov/?page\\_id=21238](http://ohp.parks.ca.gov/?page_id=21238)

City of San Jose:

- Historic Districts / Conservation Areas: <http://www.sanjoseca.gov/index.aspx?NID=2174>
- City Landmarks: <http://www.sanjoseca.gov/DocumentCenter/View/35476>
- Historic Resources Inventory: <http://www.sanjoseca.gov/index.aspx?NID=2172>
- Heritage Trees: <http://www.sanjoseca.gov/index.aspx?NID=3435>





# National & California Registers:



Diridon Station  
National Register  
93000274



KNTV Building  
CA Register Eligible  
(Destroyed by fire  
2014)

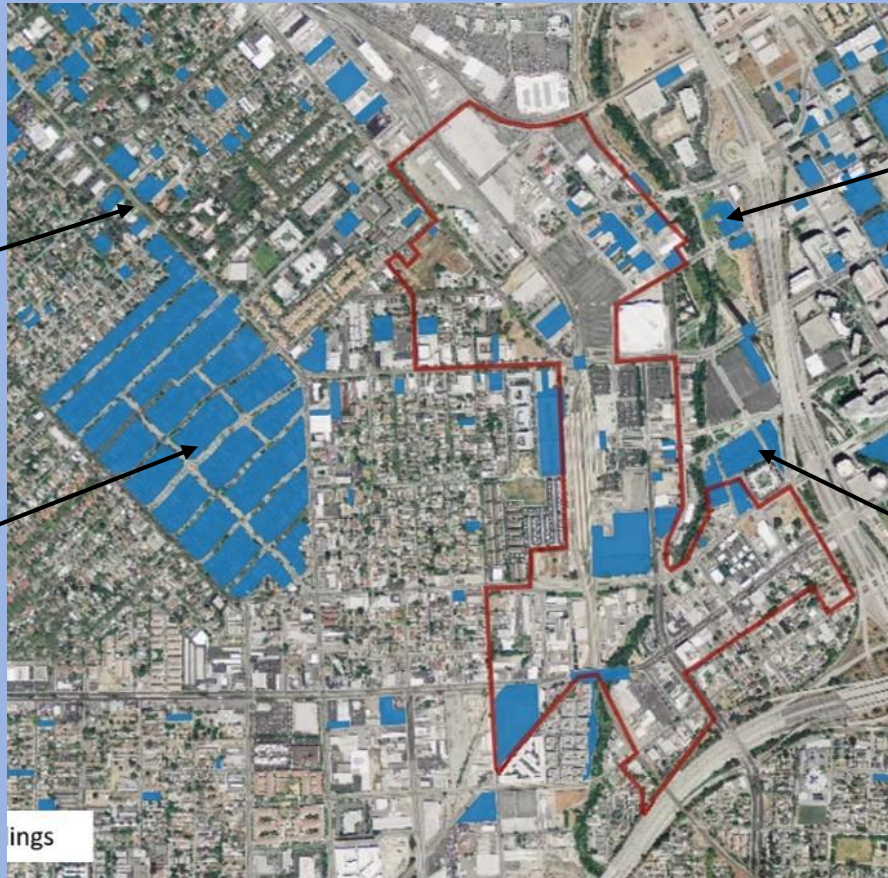


Forman's Arena  
Nat'l Register Eligible

# City Historic / Landmark Districts:

The Alameda City  
Landmark District  
(Right of Way)

Hanchett and  
Hester Park  
Conservation  
Area



River Street City  
Landmark District  
(Little Italy)

Lakehouse City  
Landmark District



# City Historic Landmarks:



SJ Water Company  
City Historic Landmark



Dennis Residence  
City Historic Landmark



# Underprotected Cultural Resources:



Poor House Bistro



Patty's Inn



Harold Hellwig  
Ironworks



# San Jose Water Company



# Additional Sources of Information:

Preservation Action Council (PAC\* SJ): <https://www.preservation.org/>

The Great 408: <https://www.great408.org/#great>

Mid-Century Context Statement:

<http://www.sanjoseca.gov/DocumentCenter/Home/View/669>

City of San Jose Approved Historic Survey Strategy:

<http://www.sanjoseca.gov/DocumentCenter/View/73267>

October 22, 2018

Lori Severino  
Diridon Station Advisory Group (SAAG)  
San Jose City Hall  
200 East Santa Clara Street  
San Jose, CA 95112

Re: Diridon Station Area Community Engagement Report

As members of the SAAG representing communities close to the Google project (St. Leo's, The Alameda, Shasta/Hanchett Park), we are writing to you to voice our support for the project, to clarify our position on some of the SAAG Desired Outcomes, and to provide some comments on process.

We have appreciated being a part of the SAAG process. Staff has worked very hard and made every effort to try to incorporate many diverse interests. Staff has successfully encouraged respectful conversation and to a person, every SAAG member has been courteous with the others. There are a few frustrations though. Due to numerous factors, we feel the draft document implies a consensus on SAAG support for policies and requirements on Google, and potentially smaller businesses, that is overstated. These factors include the methodology of opinion surveys and the greater experience, time and resources of the professional advocates relative to the neighbors and volunteer stakeholders. The professional advocates have been respectful and are doing their jobs very well but there is a difficult to avoid imbalance in influence on the committee.

We are supportive of the project and see it as great opportunity. We would like to see a thoughtful project that maximizes benefits and minimizes negative and unintended consequences. For the record, our positions on selected issues are as follows:

- Housing and Displacement
  - Limit direct displacement to the highest degree possible and fully mitigate any remaining displacement with new affordable housing.
  - Indirect displacement needs better definition. It also needs to be mitigated with not just efforts by Google but with citywide and regional affordable housing initiatives. If the project were to go to another nearby community, such as Santa Clara or Milpitas, much of the indirect displacement, gentrification, transportation and other impacts would still be felt by our community but without the benefits of the increased tax base, any required Community Benefits and other economic benefits of the project. We should not have a 'zero displacement' policy that is so absolute and so inflexible that it forces us to turn away any high paying jobs that would want to come here.
  - We support a 25% goal for affordable housing as long as it is for the area as a whole and not each individual project. 100% affordable projects would help meet the larger goal and should be encouraged and funded. Studies have shown

that 25% as a straight inclusionary requirement on market rate projects is not feasible and would severely limit development.

- Land Use Design and Parking
  - Daylight the Los Gatos Creek where possible and complete the trail as a transportation link for Los Gatos, Campbell and Willow Glen to the project.
  - Implement the Climate Smart San Jose plan into the project as a community benefit.
  - LEED Gold or Platinum should be achieved.
  - Implement open design on the project, encouraging both community access to the project amenities and employee patronage of surrounding businesses.
  
- Jobs, Education and Economic Development
  - On city sourced land, prevailing wage would appear to be a reasonable requirement. We would encourage careful scrutiny of requirements for PLAs and other employment policies that could effectively limit which contractors and workers are allowed to work on given projects. (e.g. Would an out of town union subcontractor be given preference over a local non union sub?) While a large percentage of the subs large enough to work on the Google project are already union, any limitations could be more onerous on smaller projects and businesses given the already severe shortage of labor and contractors.
  - Many of the proposed long term social justice and employment policies, such as local hiring and worker retention, are very positive and are worthwhile goals but could be difficult to implement and administer as requirements that run with the land on development projects. They could be more onerous on smaller and infill projects and have unintended consequences. If implemented, these should be with Google. Subsequent owners and tenants as well as smaller projects will likely not have similar resources and capabilities.
  - We are supportive of Google involvement with educational programs at all levels from early childhood through college and career training. This is provided that these programs should be with Google only. Subsequent owners and tenants as well as smaller projects will likely not have similar resources and capabilities.
  
- Subcommittee Opinion Surveys

The surveys, at least the ones we saw, only had members list the 5 ideas that were the highest priorities out of the longer list. The draft report mentions that several members only put 1-4 'top priorities.' As was stated by another SAAG member, that was likely because some could only find fewer than 5 ideas they supported. By just asking for ranking of 'the 5 best' it was assumed that all listed policies were great and members should pick the most great. Anyone who didn't pick very many was effectively unheard. If the 'ranking' had listed 1-5, Strongly Opposed, Opposed, Neutral, Support, Strongly Support, the results might be different.

- Community Benefits Agreement (CBA)

The CBA needs to:

- Focus on obtaining full property value and up front benefits more than long term restrictions that 'run with the land.'
- Focus on good open design, including LEED gold or platinum and complying with the Climate Smart San Jose plan.
- Have a clear quantifiable formula.
- Be clear it applies only to the larger Google project and not smaller and infill projects.
- Be a part of the Development Agreement.
- The CBA needs to be one comprehensive agreement with the city. This will ensure that all provisions will be enforced with equal resources and offers the most accountability to voters/residents. This is the city's job.

We support the project, believing that:

- The presence of a site with this combination of attributes is very rare among cities. It is very underdeveloped, requiring little direct residential displacement. It is adjacent to both the downtown and the regional transit hub and the primary entertainment venues, creeks, trails, etc.
- This is an opportunity to make a significant dent in San Jose's longstanding jobs/housing imbalance.
- Two Tech giants, Google and Amazon, are currently pursuing new secondary headquarters but are pursuing it very differently. Amazon has instituted a national competition in order to create a bidding frenzy for high paying jobs that will extract maximum concessions from the 'winning' city/region. Many of the cities have expended significant resources to compete, many of whom likely never had a chance. Google gave up much of their negotiating advantage by just admitting they wanted to be here and sitting down with us. They are asking for no tax or other concessions, are paying full market value and are willing to contribute significant community benefits. We should just be careful here to not send a message to all businesses that Amazon made the correct strategic decision.

We appreciate the opportunity to participate in this process and look forward to working with the city, with Google and with other businesses and neighbors to maximize this exceptional opportunity.

Best,

Laura Winter, St Leo's Neighborhood

Andy Batchelder, Alameda Business Association

Edward Saum, Shasta Hanchett Park Neighborhood Association

**From:** Loriwainen < >  
**Date:** December 4, 2018 at 6:41:07 AM PST  
**To:** [mayoremail@sanjoseca.gov](mailto:mayoremail@sanjoseca.gov)  
**Subject:** Google Campus Expansion

Dear Mayor and City Council,

I beg you as a Teacher and mother of an ER Trauma Tech/EMT/ Firefighter degree son living in Santa Clara County to STOP THE GOOGLE EXPANSION AND SUPPORT AFFORDABLE HOUSING. You are creating a situation where you will soon find you will not be able to find anyone to fill your needed service jobs. It is just too hard to live here and Google is not going to help that situation. You might as well build a wall around your City and then wonder who and how are you going to get the needed service jobs positions filled.

Please don't let Google expand and push more of us out.

Lori W. Linberg

Sent from my iPad

**From:** Jay Ross < >  
**Sent:** Monday, December 3, 2018 7:13 PM  
**To:** District 10  
**Cc:** City Clerk; Teresa Alvarado  
**Subject:** Please Vote in Favor of the Google MOU and Land Sale

Dear Council Member,  
Tuesday is a day of opportunity for the City of San Jose and, as its Mayor, you to make a game-changing decision toward developing a vibrant, dense, walkable, transit-adjacent city center with beautiful public spaces for the community to enjoy.

I was born in San Jose and, for the last 28 years, have worked downtown at Hopkins & Carley. I have watched our downtown struggle and, ever so slowly, grow. The chance to make a decision that will effect a major change in the direction of San Jose and its downtown is rare: the Fairmont Hotel, SAP center for the Sharks, and the Convention Center are just a few such chances that have come along in the last several decades. Google's development presents another of those rare chances.

Experts estimate that the proposed Google project will generate millions of dollars annually in new tax revenues to support local services like: K-12 education, public safety, road repair, public transportation, parks and county hospitals. The proposed Google development is expected to have an enormous economic benefit and support over 1,000 full-time, family-supporting union construction jobs, and from 15,000 to 20,000 permanent new jobs. This project will facilitate our plans to build 3,000 new housing units near Diridon Station, and Mayor Liccardo has proposed that 25% of these units be affordable with long term rent-restrictions in place. I truly believe these benefits are only the tip of the iceberg for the benefits and positive impacts this project can have on downtown and our community.

I urge your support for the MOU and land sale to Google. More importantly, I urge you to be careful and cautious not to try to exact so much from Google that the project becomes unpalatable to the company. "Taking" more from Google because of the perception that a big company can "handle" it would be a great mistake. The project must be win/win for Google and the City of San Jose. Please don't lose sight of that.

Thank you for your service to our community and your dedication to a vibrant and successful downtown that can be the catalyst for so much benefit for the entire City.

Sincerely,  
Jay Ross

**Jay Ross**  
Shareholder

**Hopkins & Carley** | A Law Corporation  
San Jose | Palo Alto



Prepared testimony of John William Templeton Dec. 4, 2018 File #18-1595

San Jose City Council, San Jose, California

About the presenter:

John William Templeton is the former editor of the *San Jose Business Journal* and served as a board member of the San Jose Museum of Art, American Red Cross of Santa Clara County, Santa Clara County Council, Boy Scouts of America; Silicon Valley Entrepreneurs Club and San Jose Jazz Society. He presented *Turning the Century: Black Innovators in the Industrial Age* and *at the Turn of the Millennium* at the Tech Museum of Innovation in 1996 and *Soul of Technology: 50 Most Important African-Americans in Technology* in Palo Alto City Hall in 2009. The 20th annual *Silicon Ceiling: Equal Opportunity in High Technology* report by him is part of a series that has been cited on the floor of Congress and before the Senate and House Judiciary Committees. Templeton authored the context statement on African-American history in San Jose and is the creator of the California African-American Freedom Trail. A fourth-generation Presbyterian ruling elder for 36 years, he served as commissioner to the Synod of Pacific from 2012 to 2015 and as overture advocate to the 223d General Assembly last June. He is a trustee of Stillman College in Tuscaloosa, AL.

When an organization proposes a major real estate development, it has an implied view of who will occupy that development. Urban planners are now beginning to see how land use policy contributes to racial discrimination in real time as opposed to after the fact.

As a current resident of San Francisco, I must look past my personal delight to see something that might lessen the number of Google buses streaming through my neighborhood.

Unfortunately, our office/residence imbalance is becoming just as bad as the South Bay.

Instead, I offer a cautionary advice from having viewed the growth of Silicon Valley since 1987 when people like Roy Clay Sr. took an active role in civic life and saw their personal success tied to the common good.

Because the California Health and Safety Code prohibits discrimination in redevelopment policy and practices, the San Jose City Council can no longer just accept the representations about creating jobs and overlook other considerations. We are seeing “jobs” as the justification for ignoring the murder of an American journalist in Turkey. Hopefully, higher values will rule the day.

The lack of equal opportunity performance by Google over the past 20 years raises serious concerns about how it would craft a future development. As a co-convenor of the Coalition for Equal Opportunity in Silicon Valley in 1998, my colleagues and I raised alarm about the four percent representation of African-Americans in technology, a dramatic decline in ten years.

Twenty years later, public policy has abetted a decline to one percent in this area.

It means that the 750,000 African-American residents of northern California are locked out of the opportunities to date, and would be likewise on the outside of the proposed Diridon development. That is not a result he or Secretary Norm Mineta or any of the other advocates of rapid transit and airport improvements would desire. Broader than redevelopment policy,

the Diridon station is funded by federal grants that come from the entire nation. The kind of exclusionary real estate development seen in Santa Clara County over the past 20 years is a marked departure from the values of David Packard.

Table One from *Silicon Ceiling 20: Equal Opportunity in High Technology*, indicates that public leaders need to address the role of employment discrimination to the displacement of African-Americans throughout the Bay Area.

Santa Clara County African-American computer workers EE Tabulation 2005-2010 source US Census, EEOC, OFCCP, OPM

Occupation	African-Americans	Percentage	United States	Percentage
Computer and information research scientists	3	3	1,080	67
Computer systems analysts	123	2.5	38,825	84
Information security analysts	1	0	4,119	102
Computer programmers	80	1.1	33,718	48
Software developers	373	0.8	35,410	43
Web developers	33	1.2	6855	44
Computer support specialists	373	6.2	50,890	105
Database administrators	3	0	7,200	7
Network and systems administrators	48	1.7	20810	8
Computer network architects	3	0	8840	84
Computer occupations, all other	90	3.5	26730	98
Operations research analysts	123	10	12905	112
Miscellaneous mathematical science occupations	33	6.5	2480	63
	1289		104210	
Santa Clara percentage of national total	0.004%			
Aerospace Engineers			5545	4
Biomedical and agricultural engineer			710	0.2
Chemical engineers			3270	0.2
Civil engineers			4310	0.6
Industrial engineers			8115	1.6
Engineers			21965	

Santa Clara ranks behind East Baton Rouge Parish, Louisiana in employment of African-Americans in these professions. The 1964 Civil Rights Act requires employers of more than 100 to implement corrective programs when there is a variance of more than two standard deviations from workforce availability.

With our partners at Silicon Valley Rising, we created nklud.work to show employers how to achieve the equal opportunity which is national policy and the standard set by the 14th Amendment.

My latest book *Citizenship for All: 150th anniversary of the 14th Amendment* examines the legislative history of America's Second Founding, which occurred because worksite discrimination was deplorable. The legislators of the time said values were more important than jobs.

The San Jose City Council should not reward employment discrimination by allowing egregious offenders to add thousands of jobs without creating an equal opportunity workplace.

Alternative developers would be able to offer competing proposals. The future of the city's

downtown should not be contingent on a single company. The charade over Amazon's purported second headquarters indicates how companies can extort governments, leaving communities left in the lurch.

The same area has been slated for an unsuccessful baseball bid. Its disposition should take a balanced approach that follows state and federal law.



December 4, 2018

CONSTRUCTION - CONSULTING - DEVELOPMENT

"Think Green Build Green"

Honorable Mayor Sam Liccardo and Members of the  
City Council City of San Jose  
200 E. Santa Clara Street,  
San Jose, CA 95113

RE: Google San Jose

Dear Mayor and Council Members:

At last we have in the palm of our hands the opportunity to make a tremendous change in our City with the coming of Google San Jose. This is what many of us who have lived, worked, and breathed Downtown for thirty years and more have been waiting for. With Google and what it has already brought (such as Dillabough and Jay Paul) and will bring, will push us over the Hump. The Hump was the elusive promise that came with every upturn and escaped with each downturn in the economy. Many have fallen on the road chasing that promise, allowing us to become poised for greatness.

The City and its residents should welcome Google with open arms rather than those who wait with upturned palms wanting to take for themselves and spread fear and irrationality which began from day one.

We should say what can we do for you Google? We have a company that wants to be here and has the resources and purchase power to obliterate a swath of blight and underutilized properties that would have taken others decades to eradicate. The fear of traffic, the ruination of neighborhoods, gentrification and excluding people, is contrary to what Google is all about; *in fact it is just the opposite*. Has anyone mentioned that Google provided a grant for minority business owners in Santa Clara County? How about the million they gave toward helping Latino non-profit leaders, or their mentorship programs? Or the fact that Google has committed one billion dollars to help the world, fight racial injustice, and provide education to name only a part of what they do and NO ONE TALKS ABOUT THIS.

Google and other tech companies see the writing on the wall as it relates to training workforce, providing housing, and transportation, and they are doing something about it as will Google San Jose.

We fully support the selling of city property to Google and expediting their project as it has taken far too long to get to this point. San Jose needs to realize its potential and not foul up this opportunity as it has time and time again. Keep in mind, Google doesn't have to be here, they WANT to be here so roll out the welcome mat!!

 Jim & Suzanne Salata



On the subject of neighborhood support for the proposed Google development,

On the whole, the Buena Vista Neighborhood Association board supports the proposed Google development. We feel that the project will be positive in many aspects the most obvious being that of economic growth. But as we look to the benefits of the future, the BVNA also has concerns about the preservation of the character and history of the Buena Vista area as well as San Jose in general. If the Google development is successful, it may bring with it other problems that may need to be mitigated:

1. There are concerns a new development of this scale with further tax existing infrastructure.
2. Chances are good that due to the development, property values may rise. Though this is generally a good thing, business rents may rise as well causing small businesses to be displaced.
3. Traffic congestion is already on the rise within the midtown area without a major development. Just the creep of increased housing development in the area is adding more vehicles yearly to our local streets.
4. The Buena Vista area has long been a target for infill housing. As the area will now be adjacent to a major corporation, our older single family homes may be in more jeopardy as replacing them with higher density housing becomes more economically lucrative.

We are hopeful that this new development and city government will work with the existing neighborhoods and business to ensure that what's good about our community is preserved and look forward to the enhancements that such a development might bring.

Robert Solis, BVNA President

12-03-2018

From: Bob Carlson [ ]  
Sent: Tuesday, December 4, 2018 12:09 PM  
To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>;  
Tran, David <david.tran@sanjoseca.gov>  
Subject: Google

I just want to say "Please vote yes on Google @ Diridon"

Bob Carlson  
f iPhone 8+

**From:** Galileopan [ ]  
**Sent:** Tuesday, December 04, 2018 12:09 PM  
**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>  
**Subject:** I support the google project and the Santa Clara street urban village

Dear Mayor Liccardo,

I'm writing in support of the land sale to google. I've lived in district 3 since 1984 and worked at Adobe for 22 years. I agree with the arguments in your blog post, and I support the actions the city has taken in making this deal happen. I do have concerns about the development: that sufficient affordable housing be built and that parking be adequate and hidden (in structures, preferably underground). I know the long-term emphasis is on transit, but that transition will take time and if parking is grossly insufficient at the beginning, it will make the experience poor and block the establishment of the vibrant social and retail core. Parking is much easier to repurpose to other things later than it is to add in an already built high density development. Affordable housing and parking are promises that are routinely made up front and watered down as a project progresses.

But that's a fight for next year. For now, we need to sell the land to google.

I'm also writing in support of the Santa Clara street urban village proposal. I live at 16th and St. James, only a couple of blocks away. The housing crisis demands higher density housing and retail to support it. My only caveat is to listen to the neighbors and be willing to compromise on sun angles and setbacks.

Sincerely,  
Russell Williams

**From:** "Kevin L. & Karena Christman" < >  
**Date:** December 4, 2018 at 1:54:34 PM PST  
**To:** [Raul.Perez@sanjoseca.gov](mailto:Raul.Perez@sanjoseca.gov)  
**Cc:** [lilia.sandovalguerrero@sanjoseca.gov](mailto:lilia.sandovalguerrero@sanjoseca.gov),

**Subject: Google Project**

Raul,

Sorry for sending you this note so late in the process. I know you have a very important vote coming up today regarding the Google Project in the Diridon Station Area. Unfortunately, I have a church Counsel meeting tonight, so I will not be present at City Hall.

Serving on the SAAG as the Gardner Neighborhood Association Representative, I had the chance to meet and get to know some of Google's people. We walked the Gardner Neighborhood, as well as the Diridon Station Area and a few of us from the neighborhood had the opportunity to express some of Gardner's desires, dreams, and fears concerning the well-being of our neighborhood regarding development in and around Gardner. Some of our concerns include any future development involving the High Speed Rail Station at Diridon that sends the High Speed Rail (HSR) *through* our neighborhood (instead of *around* our neighborhood), any development that increases traffic and noise in our neighborhood, the loss of Gardner's history and character as a neighborhood, as well as not being able to find employment for our current residents that pay a wage or salary that allows us to continue to live in our neighborhood. We expressed the idea that Gardner's zoning for R-1 and R-2 should be maintained as part of the current housing crisis solution and is a positive alternative for people who do not want to live in a higher density housing district.

During this process, I felt the people we met from Google listened to our concerns, had empathy for our situation, and in fact, did incorporate our neighborhood in a positive way in their preliminary design concepts that they presented to the SAAG. Although we did not receive any written commitments or agreements, I feel, based upon our time spent together, that Google will be a responsible and good neighbor for and with Gardner. I hope you look favorably upon the Google development and vote to approve moving forward on a project that will have positive long-term benefits for both Gardner and the City of San Jose.

Thank you,

Kevin L. Christman  
Gardner Neighborhood SAAG Representative



12-4-2018

Buenas Tardes:

Mi nombre es ROSA CORDOVA vivo en la Comunidad de Santee y soy vicepresidenta de la ASOCIACION de MCLAUGHLIN AREA TENANTS y Soy miembro de la Organización Luna. En mi experiencia como lider, en estar en Contacto con mi gente veo tanta necesidad y es por eso que estoy aqui para alzar mi voz y pedir que (El monstruo de la compañía de Google) no Entre a ser parte de la ciudad de San Jose. ya que tendra un gran impacto a nuestra comunidades. en el cual nos veremos afectados los mas vulnerables. por el alto costo que esto representa les pido de favor hagan conciencia en pensar en la gente, apenas y pueden solventar sus rentas y mas.

gracias

Rosa Cordova

December 4, 2018

Mayor Sam Liccardo and members of the city council

200 E. Santa Clara St.

San Jose, CA 95113

RE: Support for item 4.1 agreement with Google and land sales in the Diridon Station Area

Dear Mayor Liccardo and City Council,

As a former Vice-Mayor and life-long resident of the city of San Jose, I strongly support the city's proposed sale of city owned properties in the Diridon Station area to Google and the MOU outlining the steps forward in this process. This is an opportunity to realize the goal of creating a vibrant transit oriented village at our Diridon station. I commend Mayor Liccardo, the city Council and Google for bringing this opportunity forward.

This project has the potential of being a game changer for downtown by bringing over 2,000 immediate construction-related jobs and, over the longer term, 20,000 permanent new jobs. Just the promise of this project is spurring economic activity. County and local schools will benefit through increased taxes. This increases our tax base which helps pay for needed city services.

I commend the Mayor and council for including a 25% affordable housing component and for not providing city subsidies to obtain this deal. Google is paying fair market price for the land. By comparison you need only look at the Amazon deal that pitted cities against each other offering ridiculous amounts of money to lure Amazon. Mayor Liccardo rightfully refused to play the game and instead has smartly brought to us an opportunity that ensures that Google will bring jobs and will be a partner in creating a complete community.

Are there risks? - Yes of course. This is the first step in a process which will continue to include the community through the SAAG and other channels. We want to minimize displacement of our residents. We want our residents to be able to compete for the new opportunities that will come about as a result of this development. The Mayor and councilmembers have addressed these concerns in memos and I have no doubt that there will be many other discussions. One of the biggest risks however, is that this project won't happen. Our economy is very cyclical and it will not always be as strong as it is right now. We need to move this forward during this strong economic time. San Jose has many stories of projects that did not happen over the years because the economics changed or because the process dragged on too long. Let's not make those mistakes this time. I was on the council in 2009 in a very different economic time. Seize the day. Make it happen for our residents and future residents.

Regards,

Rose Herrera

Former Vice-Mayor