



Diridon Station Area Advisory Group (SAAG)

Draft Meeting Notes | January 16, 2020

Date + Time *January 16, 2020 | 6:00 PM*

Location *San Jose City Hall, Committee Rooms 118-120*

- Meeting Objectives**
- *Updates on the Community Engagement program for the Diridon Station Area (DSA) and the Diridon Integrated Station Concept Plan (DISC).*
 - *Presentation on the Development Agreement and design review processes for Google’s proposed Downtown West Mixed-use Plan.*

AGENDA

1. **Welcome and Introductions**
2. **Meeting Minutes from SAAG Meeting on August 22, 2019**
3. **Community Engagement Update**
4. **Google’s Downtown West Mixed-use Plan**
5. **Diridon Integrated Station Concept Plan Update**
6. **Public Comment**
7. **Adjourn**

ATTENDANCE

SAAG Members: 24 of the 38 SAAG members were present at the meeting (*please see the Meeting Minutes posted to the project website for the names of SAAG members that were present*)

City Staff/Presenters:

- Lori Severino – *Civic Engagement Program Manager for the Diridon Station Area*
- Rosalynn Hughey – *Director of the Planning, Building, and Code Enforcement Department*
- Kim Walesh – *Deputy City Manager*
- Nanci Klein – *Assistant Director of Economic Development/Director of Real Estate*
- Liz Scanlon – *Kimley Horn*

Consultant Team:

- Dave Javid - *Principal (Plan to Place)*
- Diana Benitez – *Outreach Specialist (Raimi + Associates)*

Public: There were approximately 40 members of the public present at the meeting.



SUMMARY

The primary agenda items were to provide updates on community engagement for Diridon Station Area, the Diridon Integrated Station Concept Plan, and the development agreement and design review processes for Google's proposed development project. The following notes summarize the presentation and discussion of these agenda items.

Lori Severino, the Civic Engagement Program Manager for the Diridon Station Area provided a brief overview of the agenda and major topics. Dave Javid, from Plan to Place, followed with approval of the last SAAG meeting minutes (August 22, 2019) and an overview of the SAAG Group Agreements. Dave also provided an update on other opportunities for the community to offer feedback.

The full set of meeting materials, including the slideshows, video recording, and handouts, are available at: www.diridonsj.org/saag.

COMMUNITY ENGAGEMENT UPDATE

Lori Severino provided an update on community engagement activities completed in Fall 2019 with a focus on what was heard, what is being done with the input, answers to commonly-asked questions, and a preview of the year ahead.

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

- Thank you for the presentation and overview of the housing and displacement plan. How is the City planning for the limited term corporate accommodations in Google's proposal? Will it be housing, hotel, or commercial use?
 - *We are still working out how to treat "limited term corporate accommodations". Our code isn't clear on that.*
- When will there be updates on the district financing plan? There is a desire to be a part of the conversation.
 - *This effort is going to take longer than 2020. By the end of the year, we plan to have a sense of financing strategy and different tools needed for shared infrastructure. Once we know what the approved project is, the mitigation, and shared infrastructure then we can move forward. We need to do an engineering and cost study to figure this out. It's a 2-year effort.*
- The traffic study being funded by the grant is limited to what we could look at. How will you incorporate impacts to the areas outside of the official plan boundaries? How will the analysis be complete rather than fragmented?
 - *The transportation analysis will look at areas beyond the official study areas, reflecting that plan boundaries are arbitrary when it comes to traffic and circulation. We will get more information from DOT.*

- Thanks for getting so much information out to the public. The main barrier/challenge as a SAAG member and for the public is we still don't have an idea of the overall capacity goals for the whole station area. We have information from Google, but we don't know how much housing, jobs, and other things are proposed in the station area beyond Google. At what point will the City put forward ideas on capacity so we can address these needs?
 - *I appreciate the frustration. There is a lot of excitement to know how much development we could have there. We are actively working on that assessment with Planning staff and their consultant SOM. At the next SAAG meeting on March 18th, we will share our initial assessment. It's looking very positive for us to have significantly more development capacity around the station area than what we had planned for in the 2014 plan.*
- We have talked about displacement because of the gentrification in Gardner, North Willow Glen, Gregory Plaza, and other neighborhoods on other side of freeway that are all less than a mile away [from the station area]. It's now occurring to me that the impact of Airbnb visitors and short-term workers from Google and other businesses settling there could create some issues. We could look at the impact of the Apple Spaceship as a case study to see what the effect is and how much of the neighborhood got Airbnb'd and displaced.
 - *A number of years ago the City put in place an Airbnb (short-term) rental ordinance that constrains the number of days owners can Airbnb their home.*
 - Unfortunately, [the short-term rental ordinance] is not being enforced in the City. No one within the city is going through and monitoring that.
- The presentation noted that the City is considering comments on the parks/open space and trails. It noted that there will be an analysis of potential capacity, which will have an impact on those amenities. What is the process for this analysis and thinking?
 - *We are considering this as part of amendment to DSAP. We are working closely with staff from the Parks, Recreation, and Neighborhood Services department to build upon what is currently in the DSAP and Google's proposal to figure out what the needs will be. This will be a part of the initial finding's presentation in March.*
- What has the City been doing/will do with emergency plans for natural disasters like earthquakes? Even with the flood improvement to Guadalupe River, Gardner neighborhoods may still be in the 100-year flood zone. What is the plan for additional fire stations or funding and plan to get firefighters support to get to these new high rises?
 - *Impact to public services is part of the environmental analysis. In building and development review, the fire department is an integral part of the team.*
 - *Through Measure T, there are fire stations being added that will add some capacity to the downtown. As we answer questions on capacity we will figure out where more support is needed for safety of community.*
- The Diridon Station Area is a big area for the homeless. When new talk about displacement, what are we doing for them and the very low-income population? We haven't seen any of that mentioned so far.

- *A lot is being done to build affordable housing. You are already seeing affordable and supportive housing in the Downtown area. We are also working on locations for bridge housing. We know this is a tremendous problem and are continuing to look for how we make sure we are making a dent in that.*

GOOGLE'S DOWNTOWN WEST MIXED-USE PLAN

Nanci Klein, the Assistant Director of Economic Development/Director of Real Estate, provided an update on the process for developing the Community Benefits Plan to be included in the Development Agreement. Kim Welsh, the Deputy City Manager, presented the "public benefits" framework to differentiate between baseline City requirement, mitigations, Google Project Features, and negotiated community benefits. Rosalynn Hughey, Director of the Planning, Building, and Code Enforcement Department, presented on the design review process for the proposed development.

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

- How and when did the timeline of negotiation start? Is the Office of Economic Development negotiating benefits? Aside from SAAG, will you be asking feedback from other community members on the community benefits?
 - *Now that we have the development plan, we can begin the analysis. We are able to start the discussion, but still have some questions about the project. The core negotiations team will be Office of Economic Development and some consultants, who have broad experience in other places (nationwide). We are mindful to have our City partners (such as the Housing Department) involved to understand the baseline requirements and have the community benefits go beyond those. The March, June and August SAAG meetings this year will involve updates and opportunities for input. We will also have more events and online engagement. For each round, we will develop a toolkit of engagement that includes feedback on community benefits.*
- There was a note that increasing density and value capture is only mentioned about Google. What will the obligation be for the other parcels nearby that are receiving the same benefit? What will the obligation be for them?
 - *Development agreements allow cities to extract community benefits. Not all projects will have community benefits and another set of tools for financing are Community Facility Districts or Enhanced Infrastructure Districts. These two would have to be a part of a set of broader properties.*
 - *Last year, City Council changed the policy for regulating heights in the airport approaches, which enables increased height limits for the Diridon Station Area. They directed us to look at the possibility of an incentive zoning program as a tool for capturing value from increased density. The City is now conducting a feasibility analysis on this possibility, and we plan to report back in April.*
- City Council is weighing decisions on forgiving fees for the development of high-rise buildings (20 stories). Will there be a fair look at capturing that additional value when Council commonly discusses reducing fees?

- *We have projected that high rise residential is infeasible in the downtown. It does not pencil out (cost-wise). It's an interesting question we are looking at for the future.*
- As a board member of the San Jose Parks Advocate, the plans are a little nebulous with a bit of green spots planned. Planning and Park staff don't fully understand where the parkland will be in this project. There's concern about privately owned publicly accessible spaces. An article yesterday mentioned that Jeff Bezos noted that Amazon could potentially go bankrupt and that companies in this age are only around for 20-30 years. It was a pep talk to get them to be more customer friendly, but made a point. Similarly, love Google, but they may not be around forever. If we have privately owned publicly accessible parkland, will it become a land bank for another entity to sell it off because we don't have a title? How do we maintain green space in perpetuity?
 - *Park staff is very clear on different scenarios that could meet the Quimby Act and is starting to formulate a plan of what this might be. We want to make sure everyone has long term access to green space in the Diridon Station Area. We don't know the full answer based on Google project, but know it should not be a short-term commitment.*
- In thinking about the timeline alongside the expanded scope and studies on transportation, looking at the dwindling opportunity for feedback. How will that work with feedback and the fast timeline?
 - *There will be time.*
- We have had City-led engagement and Google-led engagement for the Diridon Station Area. Something we noticed is that most of the Google engagement activities are run by contractors. It gives a feeling that they can come and go, it's outsourced engagement and we feel like we are not talking to people from Google (real decision makers). Is this something the City can provide advice or pressure on to Google.
 - *Lots of expertise is needed to run this engagement. There is a core set of Google employees like Ricardo, who is there guiding engagement and doing deep listening. Google has partnered with Lendlease (developers) on the application, and they have been doing much of the engagement.*
- Thanks for the talk on community benefit agreements and financial analysis. We appreciate the commitment to get back to us in April. It is pretty clear in my groups engagement that there is a large concern on affordable housing and addressing displacement. People want to remain in this city and enjoy the benefits of this development. How do we [community] assess project features when this further detail will be coming in iterations? What documents should we be reviewing to understand what the baseline for project features are? And would the features mentioned in AB 900 be considered project features?
 - *The best description for project is the Environmental Impact Report (EIR) project description. There are things that are subjective that the public would see as a benefit. For example, a lot of retail and district energy systems that would bring resilience and climate smart benefits. I was making more of a general point. AB900 features are not requirements on our end. Google is voluntarily deciding to raise California's and San Jose's high environmental standards. This is a great thing.*
- Thank you for the presentation. This is a lot of information for SAAG and public to absorb. If you want to have one document with all of this information in a brief format, you should look at Rosalynn's memo from January 7th about the early referral presented at HLC [Historic Landmarks Commission] meeting. It is on DiridonSJ.org. This is a valuable concise resource.



- *This is a big project. This team is working very hard to be good communicators and distill a lot of complexity. Thanks to Lori and Plan to Place. I have received positive comments on engagement (graphics, communications, meetings, and handouts). If you ever have feedback on where we can do better, we really want to hear it.*

DIRIDON INTEGRATED STATION CONCEPT PLAN UPDATE

Liz Scanlon from Kimley Horn provided a brief update on the status of the Concept Plan and next steps. She reminded SAAG and community to review the online townhall on Diridon SJ website or the 120+ slide show presented on December 3 City Council meeting (on City website).

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

- You are aware of the comments made at Council Meeting, DISC Meeting, and all other meetings. We are really concerned that you have come to a decision as staff that you have to go through North Willow Glen, Gardner, and Gregory Plaza neighborhoods at grade. You're going to take 52 passenger trains and get up to 200 and eventually 450 train through the neighborhood. We are concerned that you are saying you can sandwich this nicely in the neighborhood and not impact them. You say no effect on Jerome Street. These houses are 20-30 feet from the tracks. You would have to take backyards and houses for about 30 folks. There are secondary units behind houses that aren't quite legal yet, but we have passed ordinances to grandfather and forgive them. We may lose this low-income housing. We are also concerned with the pictures; you make it look really nice with less noise from electric when compared to diesel. BART was really slow when it started but now it's loud and they need to upgrade all of their equipment. This neighborhood suffered when the railroad came in 1932. This neighborhood was redlined because of the railroad. When we bought our house, it didn't qualify for loans due to redlining. We don't want this neighborhood to get redlined again. The people making all of these promises may not be here to protect us. It took 30+ years for BART to get here.
 - *I hear you. The partner agencies are concerned about effect to neighborhoods. They don't want to make it any worse but hopefully make it better. Council asked a lot of questions to try and relieve concern to neighborhoods. We are going to answer these questions at the January study session to get into detail.*
- The first time we ran into the railroad situation was when we were planning on making a park in Fuller park in 2002. We met with High-Speed Rail folks and they guaranteed that we would never have problems with them because they would never take our parkland because Redevelopment Agency didn't want to spend money to make a park and then unmake it. It's not just about what you are doing now, but future development. If you decide to expand now, you will obliterate park and houses. My biggest beef, is on slide 69 – meeting with community groups. We attended a community meeting with Gardner Academy. It was a largely Latino community. The presentation was not very sophisticated and the level of presentation was disingenuous. The people who made the presentation showed Gardner Academy and the aerial track along 280, saying this is what you will see in the background of school, and with at-grade tracks, you won't see it. There was no discussion on noise, potential taking of properties, and other disturbances for neighborhood. You need to get the partner agencies to give a balanced approach to how they come to neighborhoods to present things. Two

pictures are not enough for a fair comparison. We are watching you guys and you need to do a better job on presentations.

- *We hear you and can see how that would be frustrating. You are referring to a California High-Speed Rail meeting. They are meeting with a lot of community groups as part of environmental justice analysis for environmental review. I was a part of the prep meeting. We were trying to figure out how to balance so much information, especially since it would be mostly people new to the processes. It was decided that since the primary purpose of the meeting was to describe the high-speed rail project, I only gave a brief overview of the Diridon Integrated Station Concept Plan. We want to go back to be able to get into the nuances.*
- *We have a flyer for the study session to help spread the word about this important opportunity to learn about the Diridon Integrated Station Concept Plan .*
- We have two huge scope projects Google and DISC [Diridon Integrated Station Concept Plan] with different timelines. All Google renderings shows the historic station depot intact and DISC renderings shows the depot gone. Slide 66 shows the edge of the station on Google property. The depot is a City and national register landmark. How do we maintain city historic resources? It overlaps with the place where buses are shown. The bus stop would be a road between two Google buildings. The BART station would be beneath a Google property right now. How does all of this coordinate and function properly so we don't create new last mile problems or remove historic city resources?
 - *We agree that this is a lot to coordinate. There is still more work to do to align the projects.*
- We do really like the elevated platform. It should allow greater connectivity to the station than there would otherwise be. What is the timing of the station being down? It requires lowering and raising streets. Do we have any sort of guess as to budget and timing?
 - *This is a multi-year/multi-decade timeline. My guess would be a 2030-2040 timeline. We are on step 2 of the planning phase. The governance and finance work leading to a roadmap for delivery is a key element this year. We have some high-level cost estimates, but need to narrow down this estimate. Will be doing more program development work this year.*
- VTA submitted a wish list to the Faster coalition for what the agency would want to see funded by the potential transportation mega measure. It was a back of the napkin measurement and had a \$5 billion line item for airport connector, Diridon multi-modal project, and West San Carlos/Stevens Creek connector. What is the unfunded portion of what you are initially looking at with the DISC so far? What type of additional public funding is needed?
 - *The BART program is almost over the finish line for funding plan. They are heading for a federal funding grant in the near term. Caltrain electrification is funded and is under construction. California High-Speed Rail is moving forward in their project development progress and funding is being discussed. Everything else about Diridon such as raising the platforms is currently not funded in any way. We have no funding for environmental clearance or construction. The partners are exploring sources of funding for transportation and other city building components. There has been some attention on Diridon at the regional and state levels as well.*



PUBLIC COMMENTS

Following the discussion by the SAAG, 10 members of the public provided comments on the agenda items both in person and in writing.

1. I was born in Valley Medical Center and grew up in the Horse Shoe area being discussed. To Harvey and Kevin's point, the houses to the north of tracks have been given historical landmark status. The ones on the horseshoe have not. Mexicans are on the horseshoe side and whites are on the north side of tracks. Quoted Aldous Huxley's Brave New World (1931) book about technology, power, and democracy. The author knew that something like this (Google Project) would happen here in San Jose. The redlining, discrimination, segregation, marginalization, and exploitation of this project has not been tabled.
2. An elevated rail line can be environmentally and aesthetically satisfying and work well. Consider the Merced to Tracy line or a second express line to Tracy with a BART line and ACE. Discuss with BART officials because this may not impact homes along the peninsula. San Jose Housing [city] can begin to consider different incomes. Workers right, women's right, healthcare for all and good public policies with technology slowly moving forward. These are ideas developed over years to now address shock doctrine disaster capitalism practices. I hope for a positive EIR report process that will work to adjust the future of fossil fuel, transportation and dreaded question on eminent domain in open decent and humanistic terms. Please consider how to better talk about environmental issues in San Jose in the future. We can do a much better job.
3. I have lived in SJ for 40 years and live in Downtown San Jose. For some of you, it may be easy to dismiss the history, resiliency, culture, beauty and community. Those who come and "wanna make it better", it sounds like privileged arrogance and violence. You want to break it. Last night, a couple of Google staff talked at us about building "character zones" and added that they wanted to be the heart of San Jose. We already have a heart: the hardworking people that have been here for generations. You never talk to the people of San Jose. Hidden behind non-disclosure agreements, fake promises of community benefits, and the promise of shiny new housing and buildings for your benefit. You set up fake community engagement and feedback sessions and took note of what you wanted to hear while dismissing voices of communities of color, youth, elderly and the unhoused. You claimed to be transparent and have open dialogue, but talk at people instead. San Jose no se vende, se ama y se defiende [You don't sell San Jose. It's loved and defended]. When we try to protect city, we are criminalized: arrested at public city hall meeting, threatened, kicked out of public meetings. We don't want your lies and fake promises like the ones you made in Mountain View. Google said they wanted to bring culture, we already have culture. At last night's meeting someone mentioned putting a plaque on property to remember history of San Jose. We are still here. The community engagement funding you are giving to non-profits will run out. Google is not San Jose's savior, our community is.
4. Use the rail alignment that goes through 87/280 alignment. Stay out of neighborhood and stay in freeway and right of way. People bought their houses knowing there was a track there with a few trains a day. This will be 400 trains a day. I want freight trains to go through the freeway alignments. Bridges need to be designed to be more sturdy to carry weight. I'm not sure how complicated it is to raise grade, but would like to see them. You can make a highline trail that could be an attraction to city. Make sure you show connection to the airport. If it's not on the map it won't happen. Keep depot. Parks and trails connection will be how people will get there. We need to be careful with privately

owned public open spaces. I like Google, but Yahoo and AOL are no longer around. We need to make sure parks stay there.

5. Echo what Harvey and Kevin said about the impact to the Gardner neighborhood. Adding a 3rd line will be devastating to the park and housing on Jerome. I understand that grade separations on Virginia have not been figured out. Train traffic will increase from 50-400 trains a day. This is especially unfair to historic neighborhoods.
6. I want to acknowledge the people at SAAG. You are the voice of San Jose. You are the voice of our homeless, future, kids, seniors. You are making a big impact on our future. That impact that you are going to do, say, ask, question, how much will it cost, and why it will happen. You are forgetting to take care of the people in San Jose: folks in wheelchairs, children who don't have school, kids not getting fed, people who walk. You need to touch your heart and listen to your communities to make sure our questions are being heard. You won't be here in 40 years. I have a grandson who is 5th generation living in Gardner. I bring him to these meetings because they are our future. I attended the Gardner Academy Meeting. There was a brief presentation and no time to ask questions. Gardner just lost a 105-year-old senior. Gardner has been a seed for different things. We had the first swimming pool for our kids. Gardner has a lot of history, all of San Jose has history and will be impacted. Touch your heart, think, ask the questions - am I communicating with the community? Go out there. I work, I have a husband who has cancer and he will only live three months and I'm here. Nobody is paying me. I'm living in Gardner. Every community is important in San Jose. No matter race, income, it doesn't matter. The homeless are dying. Yesterday there was a fire by 85 because they were trying to keep warm. Go out to your community and ask them what you can do better. Don't forget you are representing them.
7. I was born here, and my folks were here (parents and grandparents). I wonder if anyone has spoken to folks who own properties on Jerome. I have and they think that high-speed rail is gone and a few don't think they are at risk. When they talked about sound wall, they wondered how that would fit without impacting their property. If this is a Caltrain project, will it just be access to parcel or taking parcel and reselling? Do you know how this will happen? People complain that they should have known the impacts when they bought the parcels. In 1940's there were only 90 trains max passing. How could they have known? I'm thinking about Fuller Park and how the simulation picture that was shown minimized impact of fuller park. New artwork needs to be done to show it more accurately. And compensation needs to come forward on loss of active recreation. It will be very interesting to see exact computation on parks, privately owned publicly accessible open space, community benefits from Google Project. Don't get lost in green spacing saying "oh pretty" - it's only pretty if we permanently have access.
8. I came to San Jose as a student from Orange County. I only wanted to stay for 2 years, but I got involved with community groups and was inspired about how much they care about their community. They work to spread message on how Google project will negatively impact San Jose. I want to bring light to their concerns. A lot of people are working and taking care of families and cannot attend these meetings. Find it in your heart to show compassion. People are concerned they won't be able to afford to live here anymore. This is not just about a company, this about people's lives. There are families that have lived here for generations. It's unfair for people to leave. I'm leaving soon because I have roots somewhere else and I wish my friends had that support.
9. Affordable housing is not just a "community benefit". It is an "impact mitigation".

10. Please maximize affordable housing – 30% of income. The proposals I’ve seen don’t even have enough for the Google support workers, let alone replace displaced residents. Please cooperate with Housing to use vacant buildings as temporary housing. People die on the streets while waiting for permanent supportive housing. Housing says they’ll indemnify property owners.

The meeting was adjourned at 8:32 pm.

DRAFT

