



Guadalupe-Coyote Resource Conservation District (GCRCD)

An independent special district of the State of California

Submitted via email to Kara.Hawkins@sanjoseca.gov

September 21, 2020

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

RE: GCRCD Comments on the Draft Supplemental EIR for the Almaden Office Project

Dear Ms. Hawkins:

The Guadalupe-Coyote Resource Conservation District (GCRCD) appreciates the opportunity to provide comments on the Draft Supplemental EIR for the Almaden Office Project. GCRCD is an independent special district of the State of California dedicated to the conservation of natural resources, and its mission is to provide education and technical assistance to constituents and watershed stakeholders to sustainably manage soil, water and wildlife with the best available science.

We are concerned that the project's footprint and design will cause unnecessary and avoidable impacts to water quality, flood risk, wildlife habitat, and other beneficial uses of the riparian corridor. Additionally, we are concerned that climate change has not been adequately addressed, given anticipated sea level rise and its predicted impacts on flooding in the south Bay Area¹, and the increased frequency of atmospheric-river storms as an indicator that future flood risks may be beyond what we have experienced historically². However, we would like to focus our comments on the project's apparent inconsistency with the City Council's Policy 6-34, *Riparian Corridor Protection and Bird-Safe Design*.

The City Council's policy calls for consideration for reduced setback only in limited circumstances. It further indicates that "applicants requesting reduction in setbacks may be required to submit a report by a qualified biologist, stream hydrologist and/or other appropriate qualified professional certifying the existence of some or all of the following conditions:

- a. There is no reasonable alternative for the proposed Riparian Project that avoids or reduces the encroachment into the Setback Area.

¹ Statewide Flood Management Planning Program; California's Flood Future: Recommendations for Managing the State's Flood Risk (Final); November 2013, p. 3-17

² Dettinger, M.D., 2011. Climate Change, Atmospheric Rivers, and Floods In California – A Multimodel Analysis of Storm Frequency and Magnitude Changes, JAWRA, Vol. 47, No. 3

- b. The reduced setback will not significantly reduce or adversely impact the Riparian Corridor.
- c. The proposed uses are not fundamentally incompatible with riparian habitats (see Chapter 3, Section IB Incompatible Land Uses of the Policy Study).
- d. There is no evidence of stream bank erosion or previous attempts to stabilize the stream banks that could be negatively affected by the proposed development within the Setback Area.
- e. The granting of the exception will not be detrimental or injurious to adjacent and/or downstream properties.”

Although the project clearly meets the policy’s definition of “riparian project” and calls for a very significant reduction in riparian setback, the Revised Biological Resources Report filed by H.T. Harvey & Associates does not appear to meet the intent of the City Council’s policy nor does it certify the existence of any of the specific conditions set forth in the policy in order to justify the exception to the setback requirement. Furthermore, although the report identifies anticipated significant environmental and cumulative impacts from the project, it recommends the developer provide compensatory mitigation for riparian buffer encroachment rather than recommend changes to the project to address identified impacts.

Based on this information, GCRCDC requests:

- the consultant for the Revised Biological Resources Report be directed to specifically address each of the five conditions set forth in the policy so the record is clear when the project is presented for approval.
- the City select an alternative project that reduces and/or redesigns the project so that a setback can be included that more closely reflects the City’s minimum setback of 100’ in order to reduce environmental impacts to the riparian corridor.

Thank you again for this opportunity to provide comments. Please feel free to contact me if you have questions or need additional information to clarify our comments.

Sincerely,



Stephanie Moreno
Executive Director
smoreno@gcrccd.org