



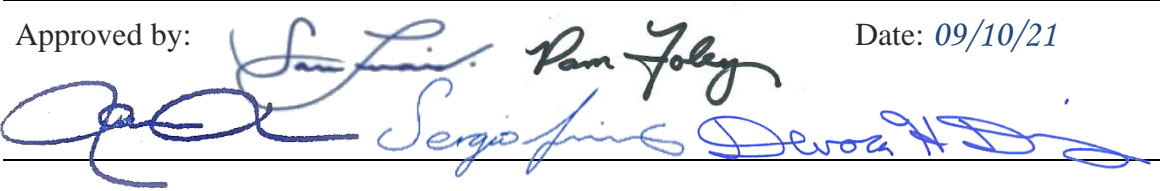
Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo
Councilmember Raul Peralez
Councilmember Sergio Jimenez
Councilmember Dev Davis
Councilmember Pam Foley

SUBJECT: Almaden Office Project
SP20-005 & T21-015

DATE: September 10, 2021

Approved by:  Date: 09/10/21

RECOMMENDATION

Approve Planning Commission’s recommendation with the following addition:

1. Direct the applicant to work with Parks, Recreation, Neighborhood & Services and San José Airport staff and/or partners such as the Guadalupe River Park Conservancy (GRPC) to explore mitigation measures and implement the selected option(s) to restore and enhance off-site riparian habitats as required by the Environmental Impact Report (EIR).

BACKGROUND

This visible gateway property at the northwest corner of Woz Way and Almaden Boulevard has served as a surface parking lot for years, counter to the varied uses envisioned in its Downtown Zoning as specified in the General Plan. In 2000, Boston Properties (BXP) entered into a Development Agreement with the City of San José. In the two decades since, the City, the Downtown community, and BXP have publicly discussed various project concepts at the site, always with the expectation that the paved parking lot would ultimately make way for high-rise towers. Three years ago, BXP applied for a site development permit to build two LEED Gold commercial buildings with 2.05 million square feet of office and retail – a major boost to Downtown’s employment district.

The applicant has worked collaboratively from the earliest stages of the project, not only with City Staff, but with the environmental community by way of Councilmember Peralez’s office. Since then, the developer has convened two community meetings and

has directly engaged with various stakeholders. As a result of this engagement, the applicant has made significant changes to the project, including:

- Increasing setbacks from the Guadalupe River by creating a pedestrian-only interface on the ground floor
- Expanding setbacks underground, by shrinking the parking garage to ensure that it did not encroach on the drip line of trees along the riparian corridor
- Incorporating extensive bird safe features on three sides of the project (excluding the urban interface fronting Almaden Boulevard, which was not recommended by habitat consultants during the EIR process)
- Ensuring that all truck loading and access happens from Almaden Boulevard, to minimize disruption to the riparian corridor.

ANALYSIS

In 2018, after extensive community engagement, participation of leading environmental organizations, and analysis by expert consultants and Staff, the Council unanimously approved San José's Climate Smart Plan to forge a "path to Paris" greenhouse gas emission reductions critical to mitigate the impacts of Climate Change. The plan features nine key strategies to achieve its ambitious goals of a more than 6% annual reduction of greenhouse gas emissions, with three of those nine directly implicated by this project:

- 2.1 Densifying our city in focused growth areas increases walkability and cycling and also makes our neighborhoods more vibrant, distinctive, and enjoyable
- 3.1 Creating local jobs in our City makes it possible for our residents to work close to where they live, saving time, money, and gas spent commuting
- 3.2 Making our commercial buildings high-performance and siting them close to transit lowers water and energy use

These three elements alone—relating to reversing our suburban, out-commuting pattern of development—will account for more than 30% of our projected greenhouse gas reductions under the plan. While we must achieve many environmental objectives, the urgency of greenhouse gas reduction must inform our development decisions in the decade ahead.

We have heard the environmental community express concerns over the project - concerns complicated by the very narrow footprint of this site, and its adjacency to the Guadalupe River. Ideally, a project in such a situation would be asked to acquire more land to push the project further back, or reduce its footprint. Unfortunately, this project is tightly bound by Almaden Boulevard which makes public right-of-way vacation or acquisition unlikely, and further reduction of the project's footprint would render it infeasible.

Per staff's report, the impact to the riparian corridor was analyzed in the SEIR. The conclusion was that while the impact is significant, the project is consistent with the City's Riparian Policy 6-34, which allows a reduced setback under some circumstances. The fact that the existing paved parking lot already protrudes closer to the river than the proposed development reinforces the reasonable expectation that this site—in the heart of our Downtown—was long expected to have a reduced setback. Additionally, the project complies fully with the Santa Clara Valley Habitat Conservation Plan (SCVHP), as discussed in the report.

However, a council statement of overriding consideration does not simply negate the impact. In fact, per Riparian Policy 6-34, the applicant must implement comparable mitigation measures on off-site riparian natural habitats. This is an opportunity for partnership with the local conservation community to deliver much needed resources to restore and enhance our Guadalupe River. We strongly encourage that the applicant, in partnership with organizations such as the GRPC, negotiate a robust agreement to implement these mitigations, including ongoing monitoring and stewardship.

We are assured based on the project analysis and future mitigation measures that our Guadalupe River habitat will not only be safeguarded, but will thrive with greater attention and investment. The severely damaged ecosystem of the Guadalupe today results wholly from the lack of attention to the river. Nearby housing or office development would provide “eyes” on the river that we see in thriving and healthy urban riverfront environments in other cities.

CONCLUSION

We would like to thank City Staff, the applicant and the community for their active involvement in the planning process for this unique, complex and beautifully-designed project. As with Downtown West, this project must integrate a growing urban hub with the surrounding natural resources — ensuring a cleaner, safer, and better preserved riparian corridor for wildlife and people alike.

BROWN ACT: The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.