



August 23, 2021

To: Chair Bonilla and San Jose Planning Commissioners

Cc: Mayor Liccardo and the San Jose City Council

Kara Hawkins, Environmental Project Manager

Re: Item 5a on 8/25 Agenda: Almaden Office Project SP20-005 & T21-015

Dear Chair Bonilla and Commissioners,

The Sierra Club Loma Prieta Chapter and the Santa Clara Valley Audubon Society have expressed strong and unwavering opposition to the proposed Almaden Office project since we first learned of this project's proposed unprecedented encroachment into the riparian corridor of the Guadalupe River. We commented on the Supplemental Environmental Impact Report and are still reviewing the responses in the First Amendment, the attachments, staff report, and Mitigation and Monitoring Report. Our review thus far shows a general lack of information and inadequate analysis of the project's environmental impacts, especially impacts related to the riparian corridor encroachment. Responses to our comments all defer to future environmental analysis and to regulatory processes without directly addressing the concerns raised or explaining how those future reviews will evaluate and mitigate the potential impacts, especially in cases where the San Jose municipal code allows for "Hardship Exemptions". Overall, we believe the project provides no benefits to San Jose, and in the long term, will cause much more harm than good.

We ask you to deny the project as proposed and recommend that the City Council:

- Decline to make a Declaration of Overriding Consideration on the cumulative significant, avoidable harm that the project will impose on the Guadalupe River.
- Decline to make a Declaration of Overriding Consideration over the significant, unavoidable impacts that 4 years of construction will impose on air quality.
- Recommend the adoption of Reduced Development Alternative Option 2 of the EIR (Reduced Square Footage With 100 Foot Setback) to reduce the cumulative significant, avoidable impacts to the Guadalupe River. This alternative provides a design that is compatible with the intent of the General Plan and the Riparian Corridor Policy and meets most of the objectives of the project.

- Require stronger Bird Safety Measures as included in the City's Downtown Design Standards and Guidelines.
- Require compliance with Ordinance Chapter 17.845 with no exemption and prohibit the use of natural gas in this project.

We see the project as inconsistent with the City's Riparian Corridor Policy and the intent behind it, to protect both critical biological resources and ecological features as well as the City and its residents from inappropriate development. As proposed, the project would result in a rollback of the environmental protections for riparian corridors that the City has committed to in the past, and that our organizations have supported for decades.

Disasters all around the world teach us that development on the banks of major rivers risks people's lives and property as well as community resources. We strongly believe that development less than 30-feet from the riparian corridor will, eventually, require increased reinforcement of the riverbank and is likely to result in a concrete channel like the one just downstream from this project site. Such bank stabilization projects would be done at public expense, a clear instance of private development externalizing its costs to taxpayers. We fear this project will set a precedent for future developments that will similarly encroach on riparian corridors, at a great cost to the community from the degradation of the services these ecosystems provide.

San Jose has recently approved Google's Downtown West plan, a project which we supported. At 7.3 million square feet, the Google project is a fifth in size of this one, yet it provides 4000 housing units and 200 million dollars in public benefits. In contrast, the Almaden Office project offers no public benefits, and no housing. The Google project also provides a 50-ft setback from Los Gatos Creek, and a 35-ft setback from the concrete channel of the Guadalupe River, and bird safety measures beyond the requirements of the Downtown Design Standards and Guidelines. Woz Way, another project that was recently approved, is maintaining a 35-ft setback from the Guadalupe River and abides by the bird safety requirements of the Downtown Design Standards and Guidelines. All elements of the Almaden Office project encroach within 35 feet of the riparian edge, and the proposed bird safety measures are weaker than what the City requires of other developments within 300 feet of the riparian edge.

Opposition to the proposed project's riparian encroachment has been the consistent position of the environmental community ever since the project was first brought to our attention over two years ago. We recognize that Boston Properties has recently revised the project proposal to reduce some impacts and to secure mitigation measures; unfortunately, these revisions have not eliminated the encroachment into the riparian corridor. As we have stated more than once, it seems this is a simple case of a parcel that is too small and too close to the creek corridor for a development on the scale of what Boston Properties is proposing.

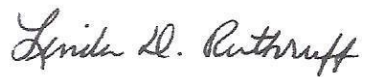
Respectfully,



Gladwyn d'Souza
Conservation Committee Chair
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Shani Kleinhaus
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Santa Clara Valley Audubon Society



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Cc: James Eggers
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