



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: February 10, 2011

Approved

Date

2/10/11

**SUBJECT: COUNCIL STUDY SESSION: DRAFT SANTA CLARA VALLEY
HABITAT PLAN MARCH 3, 2011**

RECOMMENDATION

Set a Council Study Session entitled Draft Santa Clara Valley Habitat Plan Review for March 3, 2011 from 1:30 p.m. to 5:00 p.m. in City Council Chambers.

OUTCOME

The goal of this Study Session is to review the Draft Santa Clara Valley Habitat Plan (Plan) and related documents to provide the Council an opportunity to evaluate and comment on the Plan's content in advance of final action later this calendar year. The entire Plan package involves three draft documents:

1. Draft Plan
2. Draft Environmental Impact Report/Environmental Impact Statement (EIR/ EIS)
3. Draft Implementing Agreement

BACKGROUND

In 2001 the City committed to participate in the preparation of a draft habitat plan at the behest of the United States Fish and Wildlife Service and California Department of Fish and Game as part of their approval of a series of local development projects. Preparation of the Plan and related documents is the responsibility of the Local Partners, including the City of San José, County of Santa Clara (County), Santa Clara Valley Water District (SCVWD), Valley Transportation Authority (VTA), and the cities of Morgan Hill and Gilroy. Development of all three documents has been undertaken in close coordination with the staff and attorneys representing the Local Partners, as well as the elected representatives of the Local Partners (known as the "Liaison Group").

The purpose of a habitat plan is to offer a more efficient process for protecting the environment and authorizing local development that may affect endangered species and natural habitat. Under the current system, the Local Partners and private developers must evaluate projects individually. Endangered species regulations can require consultation with a variety of Federal and State regulators to mitigate for environmental impacts. This can be a lengthy process for developers and Local Partners' capital improvements, involving considerable time and money. In addition, the current system does little to protect the environment because of its piecemeal approach, resulting in fragmented habitats that are less ecologically viable and more difficult to manage. As endangered species protections continue to expand in response to increasing development impacts, there is a mounting need to provide an assured and balanced structure for development and resource conservation that can be sustained over a long period.

The Draft Plan and related documents are in a formal 120-day public review and comment period that ends on April 18, 2011. This review period provides an opportunity for interested parties to understand the proposed Plan's contents and submit comments. The Plan's preparers will then analyze and synthesize these comments into the documents and prepare them for final consideration.

ANALYSIS

The Local Partners previously reviewed Administrative Draft Plan text in 2008 (First Administrative Draft) and in 2009 (Second Administrative Draft). The current review of the Draft Plan is different from previous reviews in that it is an official public review of the three documents concurrently:

- The Draft Plan provides a blueprint for all research and actions necessary to implement a habitat conservation plan.
- The Draft Environmental Impact Report/Environmental Impact Statement EIR/EIS offers an environmental analysis of the Plan's actions, in compliance with State and Federal law.
- The Draft Implementing Agreement (IA) is a contract between each Local Partner and the State and Federal Wildlife Agencies that would establish the basic obligations of all parties for Plan implementation.

Each Local Partner is undertaking review of the Draft documents by their respective advisory committees, commissions and elected officials. A joint City of San José Planning Commission/Parks and Recreation Commission study session is scheduled for February 23, 2011. A status report will be provided to the Community and Economic Development Committee on February 28, 2011. Based on the comments received and the resolution of any outstanding issues by the end of May, preparation of the Final Plan, Final EIR/EIS and Final IA is expected in summer 2011. Review and decision-making of the Final documents by each Local Partner is targeted between August and early October 2011.

Public review notices have been published in the Federal Register, State Clearinghouse, and San Jose Mercury News. Several interested parties have been notified of the Draft Plan review

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process, as noted in Chapter 22 of the Draft EIR/EIS. In addition, the Plan's website (www.scv-habitatplan.org) offers electronic files of the three documents and lists the various public meetings for the Draft Plan review.

A draft agenda is attached; however, staff is continuing work on the structure to be similar to the Sign Code Update with segmented presentation and Council discussions. Staff is also looking for participation in the presentation of stakeholders from the environmental and development community to provide direct input on case examples of development projects to better understand the benefits and consequences of the Draft Plan.

CONCLUSION

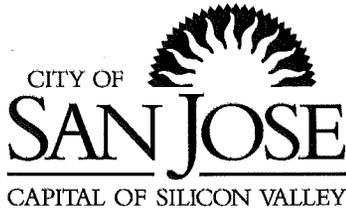
The proposed study session is offered as the most effective and efficient way to ensure that there is a common level of understanding for review of the proposed Plan and related documents, as well as to provide an opportunity to engage in a community dialogue on its contents. A draft agenda is attached for your review.

/s/

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For more information please contact Darryl Boyd, Principal Planner at (408) 535-7898.

Attachment:
Agenda



CITY COUNCIL STUDY SESSION AGENDA

SANTA CLARA VALLEY HABITAT PLAN REVIEW

**MARCH 3, 2011
1:30 P.M. to 5:00 P.M.
COUNCIL CHAMBERS**

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
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DONALD ROCHA
NANCY PYLE

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DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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- **Call to Order and Roll Call**

CITY COUNCIL STUDY SESSION

1:30 p.m. – 5:00 p.m. City Council Chambers

- 1. Staff Presentation**
 - (a) Habitat Plan Overview
 - (b) Conservation Strategy
 - (c) Cost and Funding
 - (d) Project Examples and Implementation
 - (e) EIR/EIS Public Review & Comment
 - (f) Next Steps
- 2. Development Stakeholders Panel**
- 3. Environmental Stakeholders Panel**

4. Discussion

5. Public Comment

6. Adjournment