

**Myron Crawford**

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**From:** Myron Crawford  
**Sent:** Friday, June 29, 2007 1:53 PM  
**To:** 'jared.hart@sanjoseca.gov'  
**Subject:** jared.hart@sanjoseca.gov  
**Attachments:** coyteCom.pdf

**RECEIVED**

JUN 29 2007

**CITY OF SAN JOSE  
DEVELOPMENT SERVICES**

**BERG & BERG ENTERPRISES, INC.**

*10050 Bandy Drive  
Cupertino, CA 95014-2188  
(408) 725-0700 - fax (408) 725-1626*

6/29/07

**Jared Hart**

**City of San Jose  
Department of Planning and Building  
200 Santa Clara Street  
San Jose, CA 95113  
Ph 408-535-7800 Fax 408-292-6055 page 1 of 6  
jared.hart@sanjoseca.gov**

**Reference:** Laguna Avenue  
South San Jose  
APN 712 - 03 -009  
South San Jose

**Subject:** Coyoter Eir & Specific Plan Comments

Jared,

Pleasee .

Thank you for your help,

*Myron Crawford*

Cc: file

## COYOTE VALLEY SPECIFIC PLAN DRAFT EIR

Please return DEIR comment card during meeting, or

by mail to: **Jared Hart, 200 E. Santa Clara Street, San José, CA 95113**

by fax to: **(408) 292-6055**

by e-mail to: **jared.hart@sanjoseca.gov**

### EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA), comments or questions relating to the Coyote Valley Specific Plan Draft Environmental Impact Report (DEIR) should focus on the adequacy or accuracy of the information in the DEIR.

Comments regarding the merits of the CVSP "project" should be submitted separately as general comments (A place for general comments has been designated on the back of this form.). Please submit your written comments on this card at this DEIR meeting, or to Jared Hart via the methods listed at the bottom of the page by 5:00 P.M. on June 29, 2007. (Note: Please write legibly. We will not be able to respond if we cannot read your comments.)

**PLEASE USE THIS SPACE IF YOU HAVE COMMENTS ON THE ADEQUACY OR ACCURACY OF THE DEIR:**

- 1) The riparian set back has always typically been 50 feet from top of bank, due to the fact that the channel widths are being increased to contain storm flow and Fisher Creeks is known to have limited habitat values, a 50 foot setback should be the maximum not 100 feet,
- 2) Wetlands -Classification of land that has been farmed and or grazed for years as wetlands is not a realistic nor fair classification as wetlands. The Corps of Engineers policies and interpretation are varied with in their district and from district to district. Lands that have been farmed and grazed APN 712-03-009 should not be classified as wetlands. Should offsite mitigation be utilized only a 1:1 replacement ratio should be required as anything offsite would be far superior to the so called existing wetlands. Recent Supreme Court Decisions will likely invalidate any wetland jurisdictional delineations or classification on this land.
- 3) Commercial and residential parking. It is important that industrial, commercial and residential properties be allowed parking at standards that industry has determined that industrial, commercial and residential properties require. A property owner should be allowed to put in parking they determine to be prudent by industry experience, planning's parking ratios should be considered a minimum not a maximum. You want your industrial, commercial properties and residential properties to be successful not impeded by lack of parking. The market will determine what the true parking rates should be and the land owners should be able to make that determination at their risk and expense. The automobile will be and still is a required mode of transport. Planning may promote and discuss in glowing terms how shoppers will walk or bike to the grocery store, the reality is that may be done for an occasional quart of milk, or a light bag if one is on a bus, but shoppers are rarely going to be pushing their carts back and forth to the to the grocery store in mild weather let alone hot and inclement weather.
- 4) Roadways should be designed to not sever and isolate a property owners land such that they would lose land value by virtue of a roadway creating unusable parcels or situations putting one landowner at a disadvantage to another landowner in having to negotiate for access or being locked in until the adjacent land owner develops.
- 5) Affordable housing – Since affordable housing is not typically required by law; except in Redevelopment Project Areas, in absence of some other legal requirement affordable housing is ultimately unfair to someone. If municipalities choose to promote affordable housing it should be

supported by a levy on all the citizens not just new home buyers or renters of market rate units. Where is the fairness in a family with too much income to qualify for a below market rate dwelling but not enough income to buy or rent a unit which requires a higher financial outlay then the family can afford because the market rate units have been pushed up in price because of having to subsidize below market rate units. What is fair in one lower income family winning the housing lottery to gain a below market rate unit whereas thousands of others do not win the housing lottery. If municipalities choose to pursue affordable housing beyond the legal requirement the burden should be spread on and accepted by a vote of all the citizens and the municipalities should have to then compete in the market place for land and housing to advance their goals.

6) Agricultural Land Mitigation- Mitigation for agricultural land being taken out of production for development should not be required and is not justified. You can't feasibly mitigate agricultural land simply by placing restrictions on other farmland. At the same time the US Department of Agriculture has for years paid farmers to idle their lands under the land bank program so on one hand you have the Department of Agriculture paying farmers to take land out of production and another agency calling for mitigation for taking land out of production which doesn't make sense. In addition there has been ample testimony from farmers in Coyote Valley stating that farming is no longer economically viable in Coyote Valley. The World Trade Agreement may also have an affect on lessening demand for farmland in the USA. A number of members of the WTA have alleged that the USA is unfairly protecting USA agriculture. APN 712-03-009 should not be shown as prime farmland on figure 4.1-3, it should be shown as grazing land.

7) Photovoltaic Systems and Geothermal Heat Pumps- These should be market driven requirements not mandated requirements. Even with tax credits and considering the extra costs involved in future replacements and maintenance of roofs due to having to remove and replace solar systems, these systems are not yet cost effective. Why should tax payers in general have to subsidize new solar systems for others. If a system requires a tax credit to advance it's installation that's a good indicator that the systems are in reality not economically feasible nor justified. If a developer chooses to offer the system for marketing purposes then it should be on a voluntary basis not a mandated requirement.

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#### Contact Information

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Address: 10050 Bandle Drive – Cupertino, CA  
E-mail (optional): [mcrawford@missionwest.com](mailto:mcrawford@missionwest.com)

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**PLEASE USE THIS SPACE IF YOU HAVE GENERAL COMMENTS REGARDING THE COYOTE VALLEY SPECIFIC PLAN:**

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