

COYOTE VALLEY SPECIFIC PLAN DRAFT EIR

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

Please see attached letter; form provides inadequate space for Authority's comments.

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



Santa Clara County
Open Space Authority

VIA U.S. MAIL and FACSIMILE

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General Manager
 Patrick Congdon

June 29, 2007

Mr. Jared Hart
 City of San Jose
 200 E. Santa Clara Street.
 San Jose, CA 95113
 Facsimile: (408) 292-6055

Re: Comments on Coyote Valley Specific Plan Draft EIR

Dear Mr. Hart:

As General Manager of the Santa Clara County Open Space Authority, I want to thank you for the opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the Coyote Valley Specific Plan. The Authority is responsible for acquiring and managing open space in all areas of Santa Clara County that are not within the jurisdictions of the Mid-Peninsula Regional Open Space District and the City of Gilroy. The Coyote Valley is squarely within the Authority's jurisdiction. The Authority provides the following specific comments on the DEIR. The space provided for comments on the City's comment form was inadequate for the Authority's comments. Therefore, the Authority's comments are provided in this letter.

Mitigation for Loss of Open Space and Agricultural Land

As the agency responsible for managing over 13,000 acres of open space and agricultural lands, the Authority is concerned with the significant loss of open space and agricultural lands that will result from the adoption of the Specific Plan and subsequent annexation to the City of San Jose. The Authority believes that while this significant loss cannot be mitigated, the City must seek to further reduce impacts by requiring mitigations that conserve land, via fee or conservation easements, in the vicinity of Coyote Valley that may be outside the City limits or the City's sphere of influence. Simply conserving lands within the Greenbelt is inadequate since much of the Greenbelt is already developed. Moreover, the Specific Plan could jeopardize other open space lands since it could induce low density development in areas of unincorporated Santa Clara County that heretofore have not been threatened by development.

DEIR, page 91 – Guiding Statement

The DEIR states "The preparation of the CVSP EIR is based on parcel specific field survey information limited to those properties whose owners granted the City and its consultant's permission to access."

- 1) Were attempts made to evaluate existing environmental conditions of those properties not surveyed through present day state and federal natural resource GIS database files.
- 2) If Greenbelt properties are being considered for mitigation, they should also have been surveyed during the preparation of the Draft EIR so that the adequacy of proposed mitigations can be evaluated.
- 3) Is the intent of the Draft EIR to be a program level analysis that will encompass future development projects (i.e., resulting in either streamlining environmental review or not requiring environmental review for future projects)?

DEIR, page 95 - 4th Paragraph

The DEIR states, "the Greenbelt Area is more developed than the CVSP Development Area.." If that is true, one would think it prudent to flip the development area to the south. Has this been considered as an alternative to the existing recommendation?

DEIR, page 108 – Section 4.1.2.3, Land Use Compatibility, Impact LU-2

In adopting a "Right to Farm" ordinance, the City should consider the placement of deed restrictions on future development to provide additional protections to agricultural operators. Without recorded disclosures and deed restrictions on residential properties, there is no assurance that agricultural operations will not be subject to private civil actions for nuisance.

DEIR, page 109 – Section 4.1.2.3, Shade and Shadow, Impact LU-3

The impacts on agricultural solar generation appear to have not been addressed. Agricultural operations could be impacted by height and design of buildings as well as tree screening around structures. The state promotes alternative energy supply sources and solar energy could be used to dry crops and grain, power water pumps and provide heating in greenhouses. The efficiency of Individual solar panels and solar arrays depends on maximum exposure and can be significantly impacted even when partially obstructed. How would agricultural solar generation be impacted if existing commercial, industrial and residential developments within the greenbelt could not be purchased and structures remained?

DEIR, page 111 – Section 4.1.2.5, Loss of Open Space, Impact LU- 8

- 1) Viewshed analysis in the DEIR is incomplete. Not only would scenic views of pastoral landscapes be impacted in the valley, but also, from points on the floor of the Coyote Valley, views of the hillsides to the east and west will be obstructed by buildings and other structures.
- 2) Section 4.1.3.3, (Mitigation for the Loss of Open Space), states that off-site open space lands would reduce this impact, but would not bring it to a less than significant level. If off-site lands are to be considered, they should be mentioned here and recommendations as well as implementation of such measures.

DEIR, page 111 – Section 4.1.2.6, Annexation, Impact LU- 9

Given media attention on the triggers and in some cases reference made to modifying triggers, what assurances does the public have that they will be adhered to, and why has the DEIR not addressed proposals to modify the triggers?

DEIR, page 112 – Section 4.1.2.7. Loss of Agricultural Land, LU-10

If agricultural lands have to be taken out of production, the Authority supports the 1 to 1 ratio for mitigating those losses. The DEIR states that “[g]iven the fact that most of San Jose is already developed with urban uses, the one location within San Jose’s Sphere of Influence where it might be feasible to convert existing vacant, non-agricultural lands to agricultural uses is the South Coyote Greenbelt.” However, there are still vacant non-agricultural lands within the existing city limits that could be converted to agricultural uses. The City should adopt a citywide policy of mitigating for agricultural land loss, recognizing that these other agricultural lands exist in San Jose outside the Coyote Valley.

DEIR, page 112 – Section 4.1.2.8., Conflicts with Land Use, LU-11

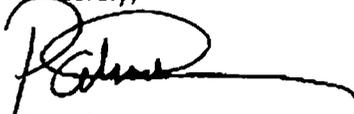
- 1) The HCP/NCCP is currently underway with completion to occur within the next 4 years. With it being in such an early stage of development how has the City been able to determine that the proposed project will be consistent with the HCP/NCCP?
- 2) Furthermore, the CVSP should be incorporated into the City’s HCP/NCCP process.

DEIR, PAGE 116

The DEIR refers to the Authority as the “Santa Clara County Open Space District.” The DEIR should be revised to reflect the correct name of the “Authority.”

Thank you for your consideration of the Authority’s comments.

Sincerely,



Patrick Congdon
General Manager