



Santa Clara Valley Audubon Society
Founded 1926

June 29, 2007

Joe Horwedel
Planning Director
City of San Jose
200 East Santa Clara Street
San Jose, California 95113

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**CITY OF SAN JOSE
DEVELOPMENT SERVICES**

Attn: Darryl Boyd

Dear Mr. Horwedel,

The following are comments by the Santa Clara Valley Audubon Society (SCVAS) on the Draft Environmental Impact Report (EIR) for the Coyote Valley Specific Plan (CVSP). SCVAS has nearly 4000 members in Santa Clara County and over 2000 of those are San Jose residents. The mission of SCVAS is to preserve, to enjoy, to restore and to foster public awareness of native birds and their ecosystems, mainly in Santa Clara County.

Our members typically share a passion for wildlife and natural resources, especially birds. Many of our members regularly enjoy the scenic and natural resource values of the CVSP area, including but not limited to Coyote Creek, the wetlands concentrated in the northern and western areas of the valley, and surrounding serpentine soil habitats such as Coyote Ridge, Santa Teresa County Park, and Tulare Hill. We have both scientific and recreational reasons to be concerned with the development in this area. This has been expressed in the past by our active opposition to the Coyote Valley Research Park (CVRP) project.

We remain opposed to significant development in Coyote Valley. We do this not only for the loss of and damages to natural resources that would inevitably occur, but also due to the simple fact that this is a place where San Jose should not expand. It makes little sense from the overarching fiscal and planning goals as stated by the City. Growth in San Jose should focus on the redevelopment of existing neighborhoods and industrial and commercial areas. We praise the City for its focus on redevelopment of the downtown area, along North First Street, and other reasonable places for growth. We believe that the CVSP planning process has already distracted city staff, city leaders, and even the development community from focusing growth into more appropriate places. The development of Coyote Valley will only further distract the city—for decades to come—from its better plans and goals.

For reasons stated below, we recommend that this EIR not be approved at this point, and that the Specific Plan itself be rejected. If the City is to go forward with development, we recommend a Reduced Scale Alternative, partly as the EIR states (page 458), but altered to better protect natural resources.



There is no need to respond to the above paragraphs. Our comments intended for response are below. First of all, let me say how they are organized. I have tried to group them into appropriate categories. Individual comments and questions are numbered below their categories.

Secondly, in order to fully understand many issues in this draft EIR, it was necessary to search in several places in the document—flipping back and forth—and this makes coherent commenting more difficult. I have heard others say the same. If the final document could be better organized, then the City Planning Commission, the City Council, and the public could better understand the nature of this proposed development and its impacts. CEQA is at its base a law of good information leading to good governance. At this point, the organization of this EIR does not support this fundamental goal.

Project versus Program EIR

1. The EIR seems to state that it is a Programmatic level EIR while acting as a Project level EIR as well. The list of projects potentially covered by the EIR on page 11 seems to allow little future environmental review of some significant items that have not been well analyzed in this EIR.
2. I have never seen a Programmatic Level EIR that goes so far as to say that all future grading or demolition permits could be covered, as well as “any actual construction activity.” Would this include, for example, the possible Gavilan College siting? It seems a college is quite different in some of its impacts from the industrial development planned for that area. I would expect that Gavilan would require at least a Supplemental EIR, due to possible changes in traffic patterns, surrounding commercial needs, differences in housing requirements, and other issues.
3. A strong concern regarding the level of information rests with the construction of Bailey-over-the-Hill, a project included on page 11. The level of analysis of the two proposed alignments for Bailey-over-the Hill (BOH) within this EIR is shallow at best. There are no ground-level surveys for rare species and habitats, for example. There is no analysis of wildlife corridors and habitat connectivity (see comments below). As a result, we can know little of the impacts of these two alignments, although those would become the two approved alignments with very possibly no future EIR required.
4. The same can be said for the groundwater recharge ponds proposed for the Greenbelt area. Without knowing the location, number, and size of the ponds, it is difficult to have an intelligent dialogue about their impacts and proposed mitigation measures. If there are impacts, perhaps groundwater injection should be considered rather than recharge ponds. However, this EIR would cover only the ponds and thus virtually preclude injection in future discussions. CEQA prefers avoidance of impacts rather than mitigation, but the level of discussion in this EIR could preclude avoidance of potential impacts in the future.

5. Please provide a discussion of whether groundwater injection rather than recharge ponds could avoid some of the possible impacts associated with the recharge ponds as well as what impacts injection might create.
6. For both the above-mentioned projects, and others, necessary discussion of appropriate mitigations or alternatives is largely excluded from the EIR as is. For example, if both preferred alternative alignments for Bailey-over-the-Hill turn out to have significant impacts on rare or special natural resources, can the alignments be changed substantially, or a third one considered? Could an extension of the proposed transit system over the hill (along with a parking structure on the other side) avoid the need of a new, widened alignment for BOH?
7. If a project is covered by the EIR, discussion of that project should be at a project rather than programmatic level. The EIR should be redrafted to this level for covered projects, and then clearly spell out those that are not covered. This is in accord with the CEQA objective to flesh out impacts, mitigation measures, and alternatives at the earliest possible time. This principle is stated in CEQA and case law as an attempt to avoid exactly the kind of issues raised as examples above. I believe another commenting organization is going to go into a more detailed legal analysis of this issue, so I will avoid that for now.
8. The EIR has done a fundamental injustice to the good information leading to good governance concept under CEQA. It seems geared to avoid the above issues and others such as needed water supply infrastructure, leaving them to future staff decisions or perhaps a Planning Director's hearing. In my twelve years working with the Audubon Society, I believe I only ever attended one Director's hearing, and very few members of the public attend them either. Major issues (note that I do not say every issue), where they exist, should be discussed at an appropriate level now, when the public is very focused on the CVSP.

Access to Properties

1. It is clear from the revised access map posted to the City's Planning Department website that approximately one third of the property in the project development area has not been fully surveyed for natural resources (I hereby incorporate that map by reference, and note it is in the possession of the City). I understand that aerial and road surveys have allowed limited looks at these parcels. Nonetheless, the lack of access is disturbing. This is especially true of the lands north and south of Bailey Road and West of Santa Teresa Boulevard, where the largest chunks of unsurveyed lands are. These lands have a fairly high likelihood of containing important natural resources, including rare and endangered species such as California Red-Legged Frog and California Tiger Salamander. The proximity of resources here is impressive—Fisher Creek, the Laguna Seca, substantial smaller wetlands areas, as well as a connection to the foothills and associated serpentine soils all lend value to these lands when compared to many other parcels slated for development in the project area.

2. The revised access map does not quantify this problem. How many acres of land have not been surveyed? I understand you may have to be approximate. With owners who have not responded to the access letter, how has the City or its consultants followed-up to try and get access? If there was follow-up, what were the major responses from the landowners?
3. The chief objection we have to the unsurveyed properties (especially those noted above) is that they greatly inhibit alternatives analysis. If, as we suspect, some of these lands are more environmentally sensitive, then an alternative or mitigation measures should look at zoning some of these areas as open space or agriculture, and perhaps to use these lands to mitigate for impacts in other areas of the CVSP. Another choice would be to use Transferable Development Credits to allow some of these lands to be preserved while others could compensate the landowners who are allowed to develop. However, as currently planned, development may be approved across the entire CVSP development area, limiting alternatives that could preserve valuable natural resources. Without a more specific knowledge of what those resources are and where they are located, the public cannot fully flesh out its concerns and propose appropriate alternatives or mitigations.
4. Surveys of these lands might support the Reduced Density Alternatives already in the EIR. Without better knowledge of these potentially sensitive lands, a proper comparison of the alternatives is difficult for the public or decision makers to judge, at least as relates to natural resources. Especially for a City Council faced with major decisions relating to this project, arguments by the public for a reduced density alternative or additional natural resource protection measures are fundamentally hampered. I return to the theme of good information leading to good governance.
5. For now, we recommend that the EIR specifically exclude the major areas of unsurveyed land, especially those with higher potential resource value (as based on the aerial and road surveys), from its coverage. The Specific Plan itself should then also exclude these lands. We understand that this proposal would impact the realignment of Fisher Creek and associated flood control objectives. Nonetheless, we believe the risk of including these large, unsurveyed properties warrants this action.
6. Will the fact that the EIR points to future surveys of these properties, and discusses the specific resources most in question, be at all an inducement to these landowners to damage or destroy those same resources? Is there any way to apply a mitigation measure upon project approval that would reduce the likelihood of this occurring?

Mitigation Monitoring

As background, SCVAS has been working on the issue of mitigation monitoring with the City of San Jose for some time, with varying levels of effort. The basic issue is whether the mitigations committed to when a project is approved will in fact be fulfilled. SCVAS has found that in San Jose such mitigation commitments are often broken, and thus natural resources are lost.

I will cite several references to past examples and practices. I do so to cast doubt on the City's basic ability to monitor and enforce the mitigation commitments in a document such as this EIR. Past practice here is relevant to current and future performance. If the public can not trust that the environmental protections enumerated in the EIR will be translated to the ground (and air and water), then each mitigation measure becomes itself suspect. CEQA requires Mitigation Monitoring and Reporting Plans to "ensure" that mitigations are accomplished. Nonetheless, the following examples show that such assurance does not currently exist in San Jose.

- SCVAS discovered that some riparian mitigation associated with the Levine Residential Property and the Silicon Valley Boulevard Bridge over Coyote Creek had not been done. City staff at first made no response to SCVAS' request for documentation on the mitigation measures, and it took a letter from the Department of Fish and Game to get the City to ask Shea Homes for documentation. Shea responded, saying that they would now begin mitigation monitoring (some five years had passed since project approval, and Shea had finished developing the project at that point). As it turns out they had also not done wetlands mitigation on their site. Evidently, the City had never checked on the biological mitigations for this project until SCVAS brought the issue up.
- In the Evergreen Specific Plan EIR, mitigation for the loss of riparian habitat due to various projects required the restoration of 12.6 acres of riparian habitat. This has never been done. SCVAS first pointed this out to City staff in 2003 and 2004, but the City took no action. Only after we pointed this out again to the staff and the Council last year did staff attempt to look for documentation, and came up with very little. To date, there is only a faint chance that this restoration will occur.
- At Cinnabar Hills Golf Course, a required mitigation to protect California Tiger Salamander has not been done. When SCVAS pointed this out in 2004, City staff informed us that an alternate mitigation would be imposed. To date, that has not happened. Instead, City staff now maintains that because the species remains healthy on the mitigation site, the project has fulfilled its requirements. In other words, instead of requiring that the promised mitigation be accomplished, the City rests largely on luck to avoid its obligations.
- At the Dow Drive development on Communications Hill, mitigation for impacts to Santa Clara Valley Dudleya were installed but evidently never maintained. As a result, the resource has suffered. This has been pointed out to the City in the past, but no corrective actions were taken.
- On March 7, 2007, SCVAS issued a Public Records Act request to the City asking for Mitigation Monitoring and Reporting Plans (MMRPs) and/or Mitigation Monitoring Reports for six separate projects. To date, it seems the City can only provide the requested documentation for three of the six projects, and some of the documentation located still could not confirm that required mitigation measures had actually been completed.
- I have been told in emails from Planning Department staff that these documents are now online, and that the public should look there for them. A recent meeting with a records keeper for the Planning Department proved otherwise. Picking a project at random from a past SCVAS database (the Riverside Golf Course) I asked for the original MMRP and any subsequent

monitoring reports. She searched for approximately 45 minutes on the database and could not find them. A second, shorter data request then also led nowhere.

- The City imposed a specific fee on Mitigated Negative Declarations and Environmental Impacts Reports in 2004. The fee was intended to ensure that mitigation monitoring was done properly. Nonetheless, a recent SCVAS Public Records Act request showed that no attempt has been made to see that the fee is adequate; there is not tracking of staff time related to this issue (and thus we can not know if the fee is being put to the use it was intended); and there appears to be no work plan or regular progress reports for the staff to show activity or improvement in mitigation monitoring.

All the above examples support the generalized comment that the City has in the past and continues to this day to be unable to adequately track compliance with mitigation measures required as part of project approvals on numerous past projects.

There is a tremendous problem with documentation in the City. SCVAS has requested documents for nearly 20 projects to date. We have received documentation on about half of those projects, and often only after months of asking. I will attach as evidence of this a portion of a database that was compiled in 2004 by an SCVAS intern. You can see that many requests for documents led to partial or total failure.

The documentation problem stems from many causes. Among them are:

- The main system that tracks developments in the Planning Department (the AMANDA system) does not track mitigation monitoring.
- Often, the mitigation monitoring documents that do exist show numerous occasions when what was in an original EIR or other CEQA document was not then translated to the subsequent documents used by planners and inspectors as development occurred.
- There has been no staff person or persons specifically assigned to work on mitigation monitoring (until perhaps last summer or fall; it is still difficult to tell).
- The staff almost never visits a site to see that the biological mitigation measures have been completed or were successful.
- Mitigation monitoring documents, if they exist, are often in the hands of consultants or developers, not with the City, and thus are inaccessible to the public for oversight.
- Mitigation Monitoring and Reporting Plans, where they exist, often do not contain a list of the required mitigations, but reference other documents instead. Thus, anyone trying to track compliance may have to look for multiple documents in different places (unless they can figure out the database better than the Planning Department's own record keeper).

With that as background, I will continue on to questions relating to mitigation monitoring and enforcement relating to the CVSP. However, since the problems are systemic within the City,

any single project is affected by the errant system, and thus I will have to address the system as well.

1. Please identify the CEQA statutes and Guidelines that identify a Lead Agency's responsibilities for mitigation monitoring under CEQA and what they require.
2. Please describe the City's system of tracking, monitoring, and enforcement of mitigation measures, as they would relate to the CVSP.
3. Please identify one or more examples in recent years when the City has found a significant problem with a biology-based mitigation for a project and then corrected that. When I asked the head of the Environmental Services division of the Planning Department this question in an email, he said he could not think of one.
4. Given the examples and problems mentioned above, what are the chances that the myriad mitigation measures contained in the EIR will be accomplished successfully?
5. What are the tools the city has to enforce against a developer once a problem with mitigation completion or success has been identified? What are the City codes or other powers that underlie such an enforcement action?
6. When a citizen or citizen's group identifies a problem with completion or success of a mitigation measure, what recourse do they have to correct such a problem within the City? If the City fails to act when notified of a problem, what recourse then does a citizen have?
7. Can adequate staff resources be dedicated to monitoring the CVSP mitigation measures? Please describe what those resources will be for the CVSP.
8. As an overarching mitigation measure, I suggest that—if this project goes forward—one or more staff members be specifically designated as coordinator(s) for the mitigation measures contained in the EIR and eventual Mitigation Monitoring coordination (I understand these staff members would change over time). If this were done, city staff and members of the public would know who to go to with questions or complaints, helping assure better monitoring.
9. Again, as a mitigation measure, I request that all mitigation measures be tracked and posted electronically to the web. An example of this with a large-scale project can be seen in San Francisco with the Mission Bay development. The URL is below.
<http://www.rbfconsulting.com/catellus/measures.asp>
10. The EIR does mention formulation and adoption of a Mitigation Monitoring and Reporting Plan (MMRP). However, the EIR also mentions many other mitigation documents that may or may not be included within the MMRP. Is it not a legal requirement that the MMRP contain all required mitigation measures, to better ensure eventual compliance?

11. As an overarching mitigation measure, we request that there be a single Mitigation Monitoring Report that tracks mitigation measures associated with the CVSP. This document should be done at least annually, and compare the original requirements with what has actually been accomplished. The document and supporting materials should be public records easily accessible from the City.

SCVAS asserts that without answering these questions adequately and adopting such mitigation measures, the EIR is inadequate because it can not show that the mitigations required will actually be accomplished, and thus significant impacts over a broad range of issues will not be reduced to a less-than-significant level. As evidence, we cite the examples and issues mentioned previously in this section of our comments, as well as the supporting materials.

Laguna Seca

1. In wet years in particular, this area is a significant site for both migratory and resident wildlife, especially birds. Birds such as Ross's Geese, Snow Geese, Greater White-fronted Geese, Aleutian Cackling Geese, and Hooded Mergansers have been sited here regularly (again, generally in wet years). Do you have a more complete bird list for the area, from a survey conducted in one or more wet years?
2. How will the ongoing excavation of this area affect the density, diversity or species make-up of wildlife using the site? I understand that this was to some extent analyzed as part of the CVRP documentation, but this is still a relevant question due to the cumulative impacts associated with the CVSP project. Wetlands of varying quality will be highly impacted by the project if it goes forward, as pointed out on page 276 of the EIR.
3. Is there an estimate of how many years the wetlands within the project area are to be impacted? And how quickly can we expect wetlands restoration to occur? If the process of impacting and restoring wetlands takes place over many years, does this add to the cumulative impacts of the project?
4. We suggest that, should the CVSP project be approved, wetlands restoration begin before development of the project area, if possible. This would lessen the cumulative impact on wetland species due to time delay. The same method of advancing mitigation should be considered for Coyote Creek—due to likely impacts from bridge crossings—and trees in the area. Mitigation for these impacts should begin prior to development so as to reduce the time delay in mitigation and better ensure that mitigation success criteria are met.
5. The EIR appears not to discuss the biological impacts of placing lighted playing fields in the Laguna Seca Area? The note on page 276 (included as part of Table 4.6-6) describes the current, temporary impacts to the Laguna Seca area as self-mitigating. Surely this is not true if ball fields are to be placed there. An analysis should be done as to whether the impacts from the ball fields would represent a significant impact to wetlands as discussed in the Thresholds of Significance for biological resource impacts on page 274 of the EIR.

6. Please describe the impacts, both direct and indirect, from the proposed ball fields. Indirect impacts should include impacts to adjacent wetland areas from the activities of the ball fields (especially if lighted) and potential run-off of pollutants.
7. If the ball fields are not placed in the Leguna Seca, is there an obvious place to move them to? If so, the impacts of ball fields on that location should be evaluated. If not, then the recreational section of the EIR should be altered to reflect the reduced acreage, and the adequacy of park and ball field acreage should be reevaluated.
8. The EIR should discuss indirect impacts on the Leguna Seca from increased use of Santa Teresa Boulevard.
9. Will there be any long-term monitoring of this area for things like bird density and diversity? We believe there should be, and that a program should be devised now for an alternate restoration site should the Leguna Seca fail to recover its wetlands values. The closest site for consideration along the same migratory pathway may be the wetlands complex at the lower end of Llagas Creek, near the Gilroy sewage treatment plant.
10. In general, the EIR does not contain an adequate discussion of biological monitoring for creeks, wetlands, and wildlife. Please discuss the monitoring program and adaptive management measures that will be employed in order to ensure that any problems in the implementation or success of the mitigation measures will be compensated for.

Wildlife Corridors

We appreciate that wildlife corridors were addressed in the EIR, as this is not always common practice, even for sites with substantial open space. Unfortunately, the analysis done is inadequate under CEQA and some needed analysis was not even attempted.

1. To begin, while the EIR addresses wildlife movement corridors (north/south and east/west) through the valley itself, connecting the Diablo Range and Santa Cruz Mountains, the EIR does nothing to address the wildlife corridors that may be disturbed by the construction of Bailey-over-the Hill. It should be clear that changing from a two-lane road with shoulders, little lighting, and relatively little traffic to a four-lane road, with a divider, larger shoulders, significantly more lighting, and increased traffic could interfere with the movement of wildlife—both common and rare.
2. Please analyze the potential wildlife corridors that could be damaged by the construction of Bailey-over-the-Hill. Even under the EIR's standards for programmatic discussion of BOH, there has been discussion of visual impacts as well as rare plant and animal species that may occur there, and the need for surveys for rare species and habitat types. While we argue that this minimal level of analysis is inappropriate for BOH (see above), at least there was some minimal analysis. On the issue of wildlife corridors there appears to have been none.

3. In this and other comments, I will refer to the joint Fish and Wildlife Service (FWS) and Department of Fish and Game letter to the City dated January 3, 2007, regarding preparation of the Coyote Valley EIR. This letter is incorporated by reference and resides on the Planning Department's CVSP website. I will cite to the pages of the letter, but will not repeat the citations to scientific works. The FWS/DFG letter defines wildlife corridors as "...strips or portions of habitat that connect larger habitat areas and allow animals to move from one patch to another with reduced rates of mortality." (FWS/DFG letter, pages 4-5) The potential movement corridor(s) within the Santa Cruz Mountains disrupted by the proposed new road seems to fit this definition. As a map of the region would show, the BOH construction will come between Santa Teresa County Park, Calero Reservoir, Calero County Park, and Rancho Canada de Oro. Calero Reservoir is a healthy and remote enough water body to support Bald Eagles and attract a wealth of species. The various parks may contain degraded habitats to an extent, but still comprise large areas of open space that are permanently protected, with some rare habitat types. To the north of Santa Teresa, there is considerable open land, up to and past the IBM research facility (the vast majority of IBM lands are also protected). To the south of Calero Reservoir and County Park are considerable open lands—some in private hands, others protected. In short, BOH as proposed may well interfere with significant wildlife corridors. The EIR should analyze this issue.
4. As an aside, the joint FWS/DFG letter notes that "a number" of American Badgers—a State listed Species of Special Concern—have been seen on Tulare Hill. (FWS/DFG letter, page 5) However, the EIR does not list this species within the Summary of Potential for Special Status Species to Occur Within or Adjacent to the CVSP Area (Table 4.6-3, EIR pages 249-251). The EIR Text also does not discuss the habitat requirements of this listed species, possible impacts to the species, or possible mitigation measures. This would seem a significant flaw in analysis of special status species. Please provide such a discussion.
5. As maps also show, the BOH improvements also may further interfere with the movement of large terrestrial species from the Santa Cruz Mountains across Tulare Hill into the Diablo Range. While the Tulare Hill route is cited in the EIR as one of the most likely for such wildlife movement (EIR, page 285), the EIR seems not to discuss the BOH construction as yet another impediment to this route. As this may have a bearing on whether this identified significant impact can be mitigated, please address this.
6. While the EIR describes the Tulare Hill corridor as remaining "largely undeveloped," it then cites ball fields as one of these "undeveloped" areas. (EIR, page 285) Would the construction of ball fields in the Leguna Seca area—especially with night lighting—further degrade the ability of this corridor to maintain the limited function it now contains?
7. The EIR states, at page 285, "Additional terrestrial wildlife movement may also occur in non-native grassland and agricultural fields in the Greenbelt." This seems odd. The larger, open areas of agricultural fields, with less lighting and fewer fences, fewer people, etc, occur in the proposed development area north of the Greenbelt. The "Greenbelt" has

considerably more housing and business development than the area to the north (excepting the IBM facility). Nonetheless, the central lands are described as having “a small amount of occasional inter-valley movement.” (Ibid.) Please explain.

8. Also on page 285, the EIR states that the Greenbelt “would not be developed.” This doesn’t seem to account for likely development under County standards. County standards allow for larger lot sizes than are proposed for housing in the project development area, and typically larger homes as well. Given that Coyote Valley is proposed for “industry driving” jobs, doesn’t it seem likely some amount of executives might want to live in larger homes on larger lots in the Greenbelt? As our comments on growth inducement point out, there is a need for further analysis of growth inducement in the Greenbelt. Once that analysis is done, the EIR should return to the issue of wildlife corridors and discuss whether that information changes the analysis of impacts and mitigations associated with potential wildlife corridors.
9. An (admittedly simple) example of such a calculation might take the recent numbers of new homes or businesses developed in the Greenbelt area over recent years and project that over implementation of the CVSP (until the subdivision potential and/or lot development for the area is reached), adjusting for increased development pressure in the Greenbelt as a result of development in the CVSP area. Subtract the likely lands saved by the Greenbelt program proposed by the City. Timing is essential here, as opening the CVSP area to development will likely lead to an increase in land values above what is already occurring, thus reducing the potential for land preservation in the Greenbelt. Until such a calculation is made, stating that the Greenbelt area will lend itself to mitigation for loss of terrestrial, cross-valley wildlife movement (EIR, page 305) seems unsupportable.
10. The mitigation measures proposed for wildlife movement in the EIR are also inadequate, as they are largely illusory. The EIR’s list of mitigation measures seems extensive (EIR, page 305), but no specifics are committed to. The term “where possible” is used twice when specifics are discussed. While the relevant paragraph starts with the word “shall” in the first sentence, it later uses the lesser “should.” (Ibid.) The list of possible mitigation measures is discussed as elements that “can” be done, but nowhere does it say what will be done. (Ibid.) To rely on possible mitigation measures to reduce a significant impact to less than significant renders the measures illusory and the analysis inadequate.
11. Does the term “where possible” mentioned above include economics, meaning that the City could simply say that such mitigations are costly and thus “not possible?” If so, the issue of costs should be discussed in this EIR (in a general way at least) so that the public and decision makers can better understand whether these are feasible mitigations or not, and thus whether relying on them to reduce a significant impact to less than significant is legitimate. A list of the relative values and costs of the possible mitigations would be helpful in these discussions. Without this, the public can hardly argue for a better program of mitigation due to the vague “possibilities” put forward.

12. Under CEQA, rare resources are generally given more emphasis for analysis and protection. As the EIR puts it, "...impacts on such resources—especially those that are rare or those with high ecological values—are considered an adverse environmental impact under CEQA." (EIR, page 238) Using mountain lions as an illustrative case, the January 3 FWS/DFG letter, citing to published studies, notes that Coyote Valley represents one of only "two potential paths" to move with any regularity between the Santa Cruz Mountains and the Diablo Range. (FWS/DFG letter, page 5) The other, dubbed the Gabilan corridor, has threats to it as well. (Ibid.) They note that, "both corridors are extremely important..." (Ibid.) Given this importance, echoed by the local environmental community, the EIR must do a better job of analyzing impacts and mitigations. You may end up with a Significant, Unavoidable Impact to a precious resource, but at least you would have documented the extinguishment of that resource more accurately.

Coyote and Fisher Creeks

I will not engage in comments regarding the fisheries of Coyote Creek, in hopes that people more informed on this topic will weigh in.

1. Does the EIR acknowledge that Coyote Creek contains the best combination of quality and quantity of riparian habitat left in Santa Clara County, as is typically accepted in the environmental community? This question goes again to the EIR's implication, on page 238, that impacts to certain habitats, "especially those that are rare or those with high ecological values," warrant special attention.
2. In many places, the EIR states that development would be kept 100 feet from Coyote and Fisher Creeks. However, in some places, the EIR states that these 100 feet would be measured from the top of bank. The City's adopted Riparian Corridor Policy Study states that the 100-foot setback should be measured from the edge of the riparian habitat or top of bank, whichever is greater. This is embodied in the General Plan in the "Riparian Corridors and Uplands Wetlands Policies," Policy #3. (EIR, page 76) Please clarify whether the 100-foot setback will be measured from top of bank or outer edge of the riparian habitat.
3. If the answer to the above question is top of bank, what is the definition of top of bank according to the EIR? This can be a difficult thing to determine. Coyote Creek as it runs by Coyote Valley, for example, contains areas of braided stream, with a floodplain beyond those.
4. Since portions of Fisher Creek are to be moved and restored, there will be no way to measure the development setback from the existing creek along these portions. I assume that means the riparian setback will be measured from the restored sections of creek. Please confirm.
5. In discussing consistency with "Riparian Corridors and Uplands Wetlands Policies," Policy #3, (EIR, page 76) why not simply say that all development along Coyote and

Fisher Creeks will be setback 100 feet from the creeks, as is said elsewhere? To say as the EIR does that setbacks would be consistent with the Riparian Corridor Policy Study is to say that the many setback exceptions within that policy could be applied. This would contradict statements made elsewhere in the EIR. Since the 100-foot setback language is used as a key mitigation for lessening potential creek impacts, this question and the definitional ones above are important to understanding whether those mitigation measures will be affective. The EIR will be clearer if it simply uses the 100-foot setback language consistently throughout the document, and clarifies where that setback will be measured from, so please change the reference on page 76.

6. The January 3, 2007 joint letter from the FWS and the DFG states that the State Endangered Least Bell's Vireo was sited in 2006 along Coyote Creek near the Coyote Creek Golf Course (FWS/DFG letter, page 4). However, the EIR does not list this species within the Summary of Potential for Special Status Species to Occur Within or Adjacent to the CVSP Area (Table 4.6-3, EIR page 249). The EIR Text also does not discuss the habitat requirements of this endangered species, possible impacts to the species, or possible mitigation measures. This would seem a significant flaw in analysis of special status species. Please provide such a discussion.
7. Please include in the above discussion whether development of the CVSP could inhibit the recovery of Least Bell's Vireo to the area. Species recovery is a stated goal of both the Federal and State Endangered Species Acts. Other Least Bell's Vireo sitings I am familiar with locally occurred along Llagas Creek and the Pajaro River. Therefore, this recent citing in Coyote Valley may mean that the species is successfully moving towards the north.
8. The joint FWS/DFG letter also recommends a more detailed survey and landscape-level planning for setbacks and development along Coyote Creek, rather than the more generic 100 foot setback from the City's standard policy. (FWS/DFG letter, page 4) As reasons for this recommendation, they site the high value of the habitat and its regional importance, as well as their informed opinion that "...Coyote Creek makes a top candidate for riparian enhancement and restoration," and thus, "careful consideration should be paid to the potential for removal of future mitigation and recovery opportunities by maximizing development at the expense of other options." (Ibid.) Did the City consider such a more detailed study of Coyote Creek? Did the City consider potential for restoration of habitat and recovery of rare and listed species when developing the scope and eventual text of the EIR?
9. Have numbers been projected for the increase in usage of the County's Coyote Creek Trail due to development of the CVSP? I say this because, after the Alamitos Creek Trail was built, residents along the creek complained that wildlife usage of the area had declined significantly. An adequate discussion of impacts to the habitat and species of Coyote Creek, as well as impacts to the trail and trail facilities, seems difficult without quantification of likely increases in trail usage. In doing so, I would request that you check the methodologies used in the environmental documentation for the Alamitos Creek Trail in comparison with actually numbers. I have no personal knowledge of this;

however, I was told by a creek side resident that the actual numbers at Alamitos were three times higher than projected.

Western Burrowing Owl

1. Thank the EIR for giving this adorable bird the blue diamonds on the map of Approximate Locations of Special Status Wildlife Species Within and Adjacent to the CVSP Area. At Audubon, we too think they are a shining species.
2. Why were most agricultural lands left out of the EIR's quantification of potential Burrowing Owl nesting and foraging habitat? While I agree that Burrowing Owls do not generally nest in the midst of actively managed agricultural lands, they do nest along the edges of these lands, which are often not disked and thus colonized by ground squirrels. Others and I have seen examples of this in North San Jose, such as in the pepper fields that turned into Cisco Systems in Milpitas. More importantly, they clearly use these fields for foraging, although the foraging habitat is not optimal. I can say this again from personal observation. Even more convincing evidence comes from the State's largest populations of Burrowing Owls in the Imperial Valley, where the species often nests along the sides of irrigation canals and often forage across agricultural areas.
3. Mitigation Measure Bio-15-1 (EIR, page 299) discusses passive relocation of owls. Given that parcels may develop at different times over a period of years to decades, would it not be likely that passively relocated owls would find nearby lands to relocate to, and those lands would also be slated for development? Given the site tenacity of the species and its preference for valley-level habitats, passive relocation seems like it might not serve either the owls or the landowners well.
4. Mitigation Measure Bio-15-2 (EIR, pages 299-300) discusses active relocation of owls. I have heard from Dr. Lynne Trulio at San Jose State (who has studied owls extensively) that shorter distance active relocations succeed more often than longer distance movements. Please discuss the feasibility as a mitigation measure of using a portion of the Greenbelt lands as an owl preserve. The City hopes to preserve significant portions of these lands. However, preserved lands may be too close to residences (and the accompanying people and pets) to be effective in the long term. Are there any open buffer lands near the Metcalf Energy Center that might make sense for an owl preserve? Given that there are fairly regular owl sightings on Tulare Hill and the neighbor is industrial, such a site might have advantages over the Greenbelt.
5. In the EIR's discussion of Cumulative Impacts, no mention is made of Burrowing Owls. When listing the 3,850 undeveloped acres considered for cumulative impacts (EIR, page 491), no mention is made of lands in the recent North San Jose plan, where historically Burrowing Owls appeared in relatively high numbers. While I realize most of the North San Jose lands are redevelopment properties, are there no vacant lands being developed? The DEIR for the North San Jose project says that there is suitable habitat within that project area and that owls had been seen there during surveys? (North San Jose DEIR, Table 24, page 256 in the online version) At page 258, that DEIR goes on to say, "All

vacant parcels...provide potential foraging or nesting habitats for Burrowing Owls.” On Page 267, the document goes on to state that development of the vacant parcels would lead to, “a loss of approximately 600 acres of remaining Burrowing Owl habitat. This habitat loss would be a significant impact.” Finally, the document concludes it’s Burrowing Owl discussion with the following at page 273, “In the absence of replacement habitat to offset the loss of the remaining Burrowing Owl habitat in the area, the implementation of the a proposed project would result in the loss of up to 600 acres of Burrowing Owl habitat, which is a significant, unavoidable impact. (Significant Unavoidable Impact)” CEQA requires that a cumulative impacts analysis include recent past, current, and planned future projects. Given that the North San Jose plan was only adopted in 2005 and has barely begun actual development (and thus individual projects will be coming forth under the plan in the near future), should not this area be considered as well as the CVSP area for cumulative impacts to Burrowing Owls?

6. As an alternate mitigation for loss of habitat than that proposed in the EIR, please discuss the possibility of resurrecting the citywide Burrowing Owl Plan that was developed from the late 1990’s into the early 2000’s. While this plan was stopped by the City Council on an 8-3 vote more than five years ago, most of those Council Members are no longer sitting. Staff never determined that the plan was infeasible, and in fact they had intended to continue its development. No consultant ever determined that the plan was infeasible. The document is still in the hands of the Planning Department and is near completion. I believe most of the target preserve lands, since they were public rather than private lands, are still open to consideration. At a minimum, the outline and ideas of the plan, along with a portion of the possible preserve lands, could be considered for the CVSP project, if a citywide plan appears infeasible to adopt. This should be explored as a possible alternate mitigation measure, given that it is unclear whether the Council would find the mitigation within the EIR to be feasible.

Water Supply

1. When the EIR states, on page 421, that there are no adverse affects from the withdrawal of 8,000 acre-feet per year of groundwater, even in a multi-year drought, did the EIR use the Water District’s definition of multi-year drought (i.e. what the District uses for planning purposes, which I believe is based on a seven-year period from the first half of the 20th century)?
2. Referring to the same comment, does the conclusion “no adverse affects” mean that in such times the Leguna Seca, Coyote Creek, and Fisher Creek maintain their function? I realize that from a CEQA point of view the baseline here is roughly 8,000 afy, but nonetheless, if there are adverse affects under the current water regime, it should be acknowledged that these affects would continue.
3. Also on page 421, where the EIR states, “water withdrawal amounts would not change above the 8,000 afy,” that statement is incorrect. Withdrawal amounts will increase, and only the mitigation of adding recharge will theoretically keep the status quo. Please restate this, as it understates the water usage of the CVSP.

4. Still on the same page, when the EIR states, “development of the CVSP would be phased according to water availability,” will this fact be included in any land use entitlements for the region (e.g. development agreements)? My concern here is that entitlements will be given and used despite the water supply scenario not continuing as predicted. In order for this entire section of the EIR to be believable, it should state that any land use entitlements granted in the area (beyond those already granted) will be conditioned on the water supply scenario of the EIR continuing as planned.
5. I understand that economic analyses do not enter CEQA greatly (at least in theory), but according to a source at the Water District, the costs for just the wholesale end of water supply for this project are estimated at \$155 million. Will this number be included in the fiscal analysis for the project?
6. Why are the numbers included in the Climate Change section of the EIR not reflected in the Water Supply section? Specifically, at page 415, the EIR states that the 2006 California Climate Action Team Report predicts a “diminishing Sierra snow pack declining by 70% to 90%, threatening the state’s water supply.” Despite the EIR citing this source, no discussion of this issue arises in the Water Supply discussion. Santa Clara County gets roughly 50% of its water from outside the County, and of course the majority of that water comes from Sierra snowmelt. This water is often then used to replenish groundwater in the Santa Clara Basin, which this project proposes to draw from. While I realize this project is not going to solve the State’s water issues, the EIR ought to acknowledge the possible to likely water shortage due to climate change and identify how the CVSP will be supplied in the event that overall water coming into the County diminishes.

Growth Inducing Impacts

It is rather amazing that the notion of building what is essentially a new city towards the south of our region—where growth is already headed but not at this scale—leads this EIR to a growth-inducing impacts discussion of just over one page in a 541 page document. I would like to say, “I say no more,” but I’m going to say more. Let’s take on the three prongs that this brevity largely rests on:

1. Prong One: Growth is planned in this area (i.e. it is within the City’s Urban Growth Boundary). (EIR, page 524) Under this logic, a new UC campus in the farmlands of the Central Valley would have no growth inducing impact, so long as housing and commercial facilities were proposed on campus and the campus was only developing within its planned boundaries. To ignore the logical statement that growth—especially of this magnitude—affects the surrounding area is to simply deny how development in California works.
2. Prong Two: The project will not induce growth outside of the Urban Growth Boundary because it will not extend infrastructure into such areas. (Ibid.) First of all, this is partially untrue. Ball fields, trails, open spaces, perhaps more managed parks, and the

groundwater recharge basins are planned for the Greenbelt. New and closer schools within the development area would also serve the Greenbelt. You would have to have the narrowest definition of infrastructure not to think that such amenities may attract people to purchase properties and live in the Greenbelt. To put this in the form of a question, will the addition of ball fields, trails, protected open spaces and agriculture, possible parks, and access to new schools draw additional people to want to live in the Greenbelt?

3. Even if the statement about infrastructure were true, there are a number of properties in the Greenbelt and hillsides within easy driving distance to Coyote Valley that have adequate infrastructure to build homes. To not acknowledge the increasing pressure on these areas, including sensitive natural resources in the surrounding hillsides, due to the location of a new city within the area, seems naïve. Failure to adequately analyze potential of the Greenbelt and surrounding hillsides to succumb to development pressure, and what natural resources might then be damaged, is a legal flaw in this section of the EIR.
4. Prong Three: The project does not include expansion of infrastructure beyond that needed to serve the proposed development. (Ibid.) Could the expansion of Bailey-over-the-Hill in any way serve to facilitate future development of hillside lands in the region? More importantly, could it in any way serve to facilitate the eventual opening of the Almaden Urban Reserve? To put this later question another way, if an EIR were to be prepared for the opening of the Almaden Urban Reserve, and Bailey-over-the-Hill had already been constructed, would the EIR note that Bailey-Over-the-Hill was already constructed and thus an impediment to travel between there and the industry driving jobs of Coyote Valley had been removed? CEQA directs that not only providing infrastructure for development, but removing infrastructure impediments from development, should be analyzed. Please discuss whether constructing Bailey-over-the-Hill could, possibly, facilitate the eventual opening of the Almaden Urban Reserve by removing an impediment to development.
5. The EIR, on page 525, states, “The development of the CVSP in south San Jose could serve to reduce development pressure in outlying areas of Santa Clara County, or in nearby communities most likely to the south of San Jose.” Has any substantial evidence been developed to support this statement?
6. The EIR admits that the housing proposed for the CVSP will not fully balance with the jobs produced (presumably, when secondary jobs are included). (EIR, page 525) It justifies this by saying that the CVSP project is intended to improve the City’s jobs to housing balance. (Ibid.) However, in looking at the stated Project Objectives of the project on pages 8 and 9 of the EIR, improving the jobs/housing balance of the City is not mentioned. In fact, Objective 12 states that jobs and housing should move forward in appropriate increments, “...to maintain a jobs/housing balance *in Coyote Valley*.” (EIR, page 8, emphasis added) Please explain.

7. If improving the jobs to housing balance were a stated goal of the CVSP (which evidently it is not), doesn't the EIR's statement that some of the unmet housing need would be located in San Jose undercut the value of locating fewer houses in Coyote Valley?
8. When the EIR states on page 525 that, "the projected new residential development in surrounding communities is consistent with the adopted plans for the other jurisdictions," does this reflect both sides of the jobs/housing equation? In other words, did you look at the projected growth of jobs in communities like Morgan Hill and Gilroy and determine that if excess Coyote Valley housing were to go to these communities, the housing needs of their job growth projections could still be met within their projected housing growth? If not, could this push growth pressure further south into relatively undeveloped areas like San Benito County?
9. An adequate analysis of where excess housing demand would go from Coyote Valley would have included the Greenbelt (essentially for future executive style homes), the hillsides within a given driving distance of the Valley (most likely the hills of the Santa Cruz Mountains to the west, also for executive style homes), and the lands to the south, especially San Benito County. Please correct this.
10. In general, we all know that building a new city in Coyote Valley will significantly increase the pace at which Silicon Valley moves southward. Areas of San Benito, Santa Cruz, and Monterey Counties will be within easier access to the industry driving jobs and the gleaming newness of Coyote Valley. Development pressure in these areas will likely increase. The EIR should look at a standard commute distance from the south and discuss the likely increase in development pressure within that circumference.
11. Can I prove this? No. Do you and I know it to be true? Yes.

Conclusion

Thank you for the opportunity to comment on this document. We acknowledge that creating an adequate EIR for a project of this scale is a challenging task. At this point, we believe the EIR to be inadequate under CEQA standards, as pointed out above. A more complete and well organized document is needed to allow the public to more fully understand the implications of the developing the CVSP.

Please keep SCVAS informed of the progress of the CVSP and the EIR as it moves forward. Our contact information is on the letterhead of this document. We look forward to remaining engaged on this vital issue.

Sincerely,



Craig K. Breon

Project Name	Appr. Year	ID #	Lead Agency	Description	Mitigation Measures	Monitoring Requirement	Does We Have	Docs Requested	Docs Status	SCVAS Visit	Site Photos
Levin Property Residential Project (aka Basking Ridge)	1994	PDC 93-9-37	City of San Jose	Re-zoning for 60 residential units, public park, elementary school ~70 acres to Combined	~1.7 acres of wetland onsite; 3 wetlands mit areas onsite ~2.8-3.14 acres mitigation under Silicon Valley Blvd bridge (0.65/0.96 open water, 0.28 wetland, 1.9 riparian)	~5-year monitoring annual reports submitted to SJ Planning, CDPS, Corps	DEIR Amend Res w/ mit	PD Permit MMPs MNRs	received 11/17/03 waiting 3 for wetlands 11/17/03	11/03 Kim	Levin bridge_01 thru Levin bridge_29
Cargill/Collislaw Properties General Plan Amendment	1998	GP 98-4-2	City of San Jose	amendment to San Jose General Plan Land Use/Transportation Diagram for Industrial/Commercial designation	~burrowing owl habitat ~wetlands ~no specific measures designed; conformance w/ Gen Plan goals & Program MM in future development)	-N/A	DEIR Res w/ mit	DEIR Amend MMPs PD Permit MNRs	received 11/17/03 waiting waiting waiting	12/13/03 Craig	none
Cisco Systems, Inc. Site 6 Development Project	2000	PDC 99-6-54	City of San Jose	Re-zoning for offices and industry	~21,721.4 acre preserve area in northern corner of site containing: ~12 artificial b. owl burrows ~0.68 acres new wetlands ~17 acres Congdon's tarplant protected & monitored	-Biological Resources MMP (wetlands, riparian, b. owl); annual monitoring reports for 5 years	Res w/ mit	FEIR excerpts PD Permit MMPs MNRs	rcvd 11/03 received 11/10/03 waiting 1 dated Jan 2001 11/17/03	12/7/03 Kim 12/13/03 Craig 1/11/04 Kim 2/29/04 Kim	Cisco_01 thru Cisco_31; Cisco_32 thru Cisco_37 (see notes)
Evergreen Specific Plan	1991	PDC 91-4-27	City of San Jose	commercial and public uses	~approx. 12.6 acre creek restoration (3.1) Quimby and Fowler Creeks--extending downstream to detention basins & enhancing existing natural channels ~city-approved wetland mitigation plan for any wetlands that are disturbed (3.1)	~re-veg and wetland plans (submitted to Planning prior to PD Permit issuance--according to Reso, not in EIR); DFG and Corps will monitor implementation of mit plans	Res w/ mit	FEIR PD Permit MMPs MNRs	received 11/10/03 waiting waiting waiting	3/24/04 3/28/04	QuimbyCreek_01 thru QuimbyCreek_15 FowlerCreek_01 thru FowlerCreek_14
Tradition Golf Club/Cinnabar Hills	1996	PDC 96-3-13	City of San Jose	Re-zoning for public golf course	~5-37 acres of replacement wetlands in upper &/or lower watershed areas (7.35 or 11.00 acres according to MAMP) ~4.8 acres of new riparian habitat (9.60 acres according to MAMP) ~agreement w/ SCVWD to move several acres north of pond for tiger salamander desaturation habitat ~monitor pond for 10 years ~approx. 2.5 acre pond complex in southeastern portion of site for tiger salamander breeding; transfer of larva & juveniles; monitoring for 10 years	~wetland MAMP min. years 1-3 ~riparian MAMP regular maint. monitoring years 1-5; 7, 9, 11 ~SCVWD pond monitoring years 1-5; 7, 10 ~tiger salamander MAMP; monitor years 1-5; 7, 10 contingency plans	DEIR Amend MAMP Reso w/ mit m PD Permit MMPs MNRs	waiting received 11/17/03 received 11/17/03 rcvd 2003 3/18/04	1/11/04 Kim	Tradition_01 thru Tradition_27 (see notes)	
Tuerra-Capitol/Los Lagos Golf Course Project	2000	PP 98-03-064	City of San Jose	master plan for development of public 19-hole golf course and assoc. facilities (maintenance fac., driving range, storage barn, bridge, trail) on 180-acre site on east and west sides of Coyote Creek	~cottonwood/sycamore riparian habitat; replacement 2 acres; ~riparian complex: enhancement, 10' strip veg buffer, signs; minimize disturbance to corridor ~6-6 acre replacement riparian buffer (3.54acre rip buffer, including 1.98acre rip mitigation areas according to MAMP) ~bulfrog management ~7/20/03: Addendum to FEIR--Lone Bluff Mini-Park (community mini-park) created on portion of Golf Course ~will eliminate 0.65 acres original riparian mitigation area, so SJ City will replace mitigation area w/ Hellyer Park conservation assessment in cooperation	~cottonwood/sycamore riparian restoration plan and monitoring program (1-5, 7, 9, 11) ~tree replacement plan and monitoring plan ~bulfrog management plan	DEIR Amend MAMP Res w/ mit m PD Permit MMPs MNRs	waiting received 3/25/04 waiting waiting waiting rcvd Addendum to FEIR	3/14/04 Kim	LosLagos_01 thru LosLagos_15	
Riverside / Coyote Creek Golf Course Expansion Project	1997	PDC 96-1-37	City of San Jose	re-zoning and expansion of Riverside Golf Course; 389 acres both San Jose and SC County; hands from 18 to 36 hole golf course; new 12,000 sq ft clubhouse; new golf school up to 1600 sq ft; new driving range and practice area	~1-2 acres of riparian habitat wetlands and drainage channels (ratio 2:1) ~indirect impacts mitigated by 2.5 acres created woodland habitat for drainage channels (mit 0.5; impact 1) ~0-16 acres (0.5:1) new buffer plantings for 0.32 acres encroachment into 100ft setback area adj to high quality Coyote Creek Riparian Corridor ~river (and superior) CTS (residing habitat at 2 locations on or adj to site (transfer of larvae) ~contingency measure for CTS to acquire off-site CTS land ~tree restoration (5:1, 75 trees to be replaced; 2,000 trees in project plan) ~computerized irrigation system to minimize excess runoff or leaching ~contingency plan for reduced watering in drought situations	~water quality monitoring program ~pump for 0.16 acre buffer ~wetland pump min 3 yr for veg. qualifying as wetland by yr 5 ~CTS pump monitor yrs 1-5; 7, 10 ~tree restoration plan (15 trees lost, replace 15:1)	DEIR Amend MAMP Res (no mmp PD Permit) MNRs	waiting waiting waiting received 3/25/04 rcvd 6/28 from Corps	none	none	

Project Name	Appr Year	ID #	Land Agency	Description	Mitigation Measures	Monitoring Requirement	Does We Have	Does Requested	Does Status	SCVAs Visit	Site Photos
Quail Hollow Bridge Replacement	-2001	PP 02-09-233	City of San Jose	removal of concrete low-flow crossing, restoration of stream channel, and installation of pedestrian bridge over Penitencia Creek	-125 linear ft of creek channel restored, providing 3:1 replacement ratio for impacts to unvegetated streambed (wetlands). wetlands impacts mitigated by natural colonization following construction. -riparian revegetation according to plan dated June 15, 2001: 9,000 sq ft (0.2 acres) of riparian woodland veg upstream and downstream of bridge, 64 container stock plantings of trees and shrubs on side slopes, 80 willow cuttings -removal of all invasive exotic plant species from project site, to be disposed of in a landfill	-wetlands to be monitored as part of riparian reveg program; if do not naturally re-establish after 2yrs, additional wetlands at 1:1 will be provided -Riparian reveg plan as prepared by Swanson Hydrology & Geomorphology, June 15, 2001 -monitored, maintained 5 yrs for replanted veg; 75% success rate in 5yrs or additional planting until 75% achieved -annual reports submitted to Planning -annual monitoring and reporting of Shaded Riverine Aquatic habitat	DMND (from MAMPs MAMRS)	MAMPs MAMRS	waiting	attempted 5/31, but could not access park due to holiday park traffic	none
Montgomery Hill Bridge	-2002	PP 02-08-210	City of San Jose	replacement of existing over Evergreen Creek w/ new multi-use steel bridge, connecting residential area to Montgomery Hill Park	-riparian reveg plan for temporary impacts to 140 sq ft rip habitat (3:1)	-monitored for 3 yrs, 80% survival rate or continue monitoring until 80% -annual reports submitted to Planning	DMND (from MAMPs MAMRS)	MAMPs MAMRS	waiting	5/31/04 Kim	Montgomery_01
Springbrook Avenue Subdivision by Richard Canadio	-2003	PD/C 01-12-102	City of San Jose	planned development rezoning and permits to allow up to 83 single-family detached residential units	-riparian corridor mitigation and monitoring plan prepared prior to grading permit, submitted for approval by Planning; planting installed at inception of project, with drip irrigation -approx. 2511 sq ft w/in project's 100-ft riparian corridor setback enhanced w/ native plants consistent w/ the reach of river -City-approved riparian mitigation and monitoring plan developed prior to grading permit and implemented -enhancement plantings installed at inception of project and monitored for 3 yrs -drip irrigation installed and maintained for 3 yrs to ensure success criteria	-monitored for 5 yrs -drip irrigation maintained for 3 yrs to ensure success criteria	DMND (from MAMPs MAMRS)	MAMPs MAMRS	waiting	5/31/04 Kim	Springbrook_01 thru Springbrook_10
Rubino Property	-2002	PD/C 02-025	City of San Jose	planned development rezoning and permits to allow up to 83 single-family detached residential units	-riparian reveg plan to compensate for removal of 4900 sq ft of rip habitat (3:1) -riparian reveg plan to create additional wetland plantings along edge of creek, totaling 100 sq ft -west bank, downstream of new bridge: reveg plan creating veg barrier plantings totaling 130 sq ft -east bank: reveg plan to create additional wetland plantings along edge of creek, totaling 100 sq ft	-maintain and monitor annually rip reveg for 5 yrs, 80% survival rate	DMND (from MAMPs MAMRS)	MAMPs MAMRS	waiting	none	none
King Road Widening Phase II Project	-2003	PP 02-335	City of San Jose	Completion of Phase II widening of King Road between Berryessa and Mabury Roads from two to four lanes; includes replacement of existing bridge over Penitencia Creek w/ a four-lane, bridge	-0.27 acres and 360 linear ft incorporated into mitigation plans for Upper Penitencia Creek Flood Control Project -replacement Shaded Riverine Aquatic habitat 3,1=360 linear ft SRA habitat created	-not specified in draft MND	DMND (from MAMPs MAMRS)	MAMPs MAMRS	waiting	5/31/04 Kim	King_01 thru King_08
Mabury Park / Penitencia Creek Park Chain - Reach 6 Master Plan	-2003	PP 03-04-134	City of San Jose	completion of a three-phased plan to sequentially construct multi-use trails paralleling Penitencia Creek and more active recreational facilities within Mabury Park	-east bank, downstream of Coleman Rd: riparian reveg plan for riparian scrub and veg barrier plantings totaling 500 sq ft by fence and creek habitat -west bank, downstream of new bridge: reveg plan creating veg barrier plantings totaling 130 sq ft -east bank: reveg plan to create additional wetland plantings along edge of creek, totaling 100 sq ft	-Public Works to prepare and implement reveg plan w/ 5 yr maintenance and monitoring program; 80% survival rate; Public Works to conduct annual monitoring and submit reports to Planning	DMND (from MAMPs MAMRS)	MAMPs MAMRS	waiting	none	none
Quadrupé River Trail Bridge at Almaden Lake Park	-2003	PP 03-04-110	City of San Jose	completion of a 210 ft long bridge crossing over Los Almaden Lake and 565 linear ft of associated paved pedestrian/bicycle trail	-east bank, downstream of Coleman Rd: riparian reveg plan for riparian scrub and veg barrier plantings totaling 500 sq ft by fence and creek habitat -west bank, downstream of new bridge: reveg plan creating veg barrier plantings totaling 130 sq ft -east bank: reveg plan to create additional wetland plantings along edge of creek, totaling 100 sq ft	-Public Works to prepare and implement reveg plan w/ 5 yr maintenance and monitoring program; 80% survival rate; Public Works to conduct annual monitoring and submit reports to Planning	DMND (from MAMPs MAMRS)	MAMPs MAMRS	waiting	none	none