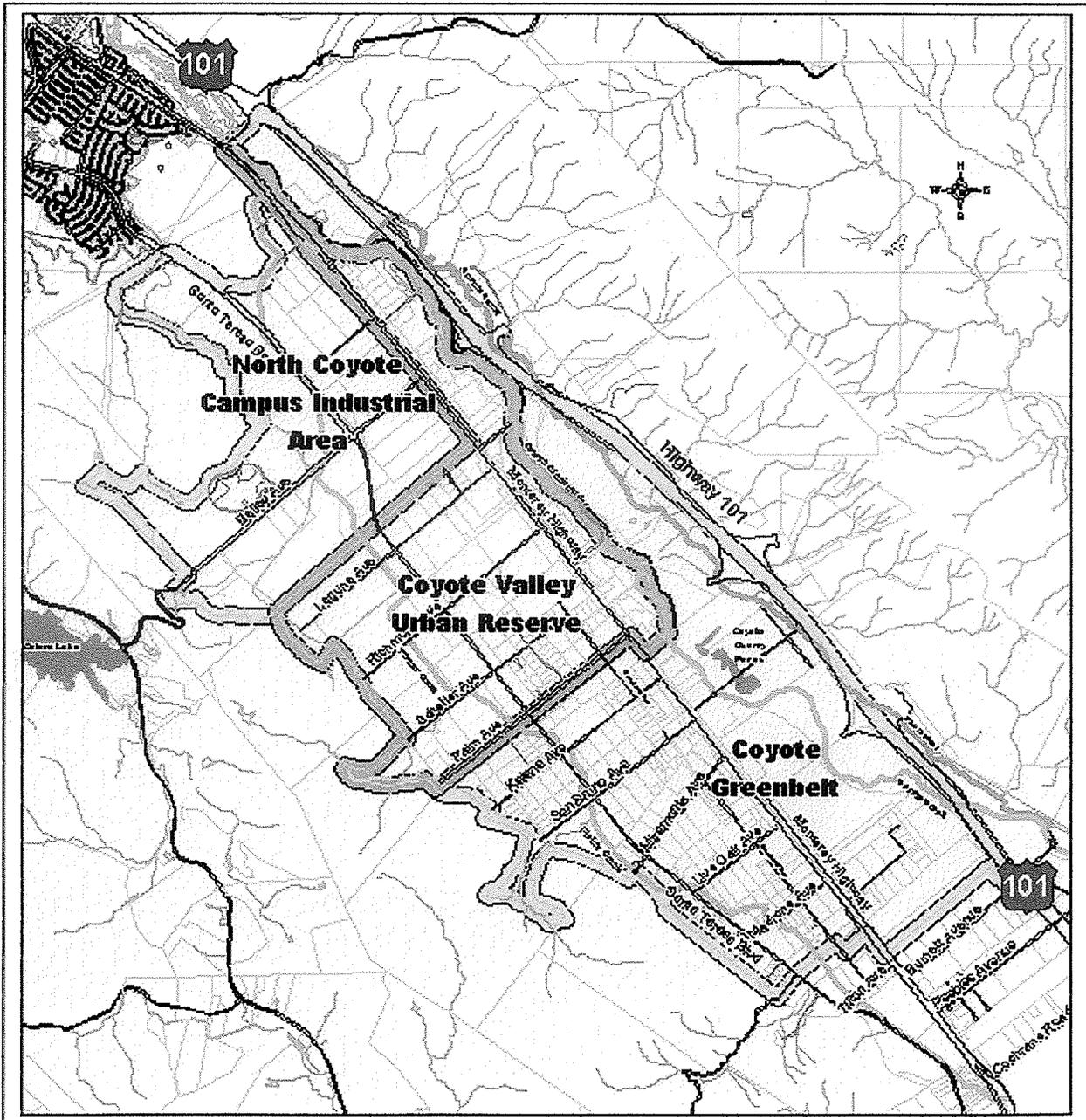


CVSP NOR COMMENTS



NOP COMMENT LIST

FIRST NAME	LAST NAME	ORGANIZATION/AGENCY	Comment(s)
Tim	Sable	Cal. State D.O.T	
Stanley	Bond Jr., Phd.	US Dept. of Interior (Nat. Parks)	
Kevin	Boles	Public Utilities Commission	
Richard	McMurtry	Cal. RWQCB	
Tim	Vendlinski	Environmental Protection Agency	
Eric	Lacy	State Dept. Health Services (water)	
Ian	McAvoy	Caltrain	
Helen	Chapman	CSJ Parks Commission (PRNS)	
Yues	Zsutty	CSJ PRNS	
Dunia	Noel	LAFCO	
Jean	Roggenkemp	BAAQMD	
Michele	Beasley	GreenBelt Alliance	
Dennis J.	O'Bryant	Department of Conservation	
Alan	Gardner	Great Oaks Water Co.	
David	Bischoff	City of Morgan Hill	
Wendie	Rooney	City of Gilroy	
Don	Dey	City of Gilroy	
Melissa L.	Hippard	Director, Sierra Club Loma Prieta Ch.	
Brian	Schmidt	Committee for Green Foothills	
Lizanne	Reynolds	Santa Clara County (County Exec./Parks/Roads&Airports)	
Vincent	Stephens	Santa Clara Valley Water District	
Karen	Toth	Department of Toxic Substance Control	
Phaedra	Ellis-Lamkins	Working Partners USA	
Wayne S.	White	US Fish and Wildlife Service/Cal Dept. F&G	
Bob	Power	Bay Area Ridge Trail Council	
Dianne	Spaulding	Non Profit Housing Association	
Norman E.	Matteoni	Matteoni, Saxe & O'Laughlin	
Michael	Salewske	Monterey Mushrooms, Inc.	
Libby	Lucas		
Roger & Janet	Costa	Property Owner	
Jack	Kent	Property Owner	
Leah	Katz	Property Owner	
Cameren	Montano	Property Owner	
Victor	LoBue	Property Owner	
Richard	Desmet	Property Owner/CV Alliance for Smart Growth	
Jenny	Chan	Chinese Land Owners in CV	Plus Petitions
Helen	Owen	Property Owner	
Edward	Owen	Property Owner	
Rosalie	Cacitti	Property Owner	
Leo J.	Cacitti	Property Owner	
Ray	Russo Sr.	Property Owner	
Ray	Russo Jr.	Property Owner	
Carmen	Russo	Property Owner	
Camille	Filizetti	Property Owner	
Joseph	Filizetti	Property Owner	
Mary	Marchese	Property Owner	
Chris	Marchese	Property Owner	
Elizabeth	Hirata	Property Owner	
Brenda	Torres-Barreto, MEM	Santa Clara Valley Audobon Society	
Dick	Butler	US Dept. of Commerce/NOAA Marine Fisheries Service	
Kirsten	Powell	Logan & Powell LLP Attorney's at Law	

DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660
OAKLAND, CA 94623-0660
(510) 286-4444
(510) 286-4454 TDD



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JUN 13 2005
CITY OF SAN JOSE
PLANNING DEPARTMENT

June 7, 2005

SCL-101-R21.56
SCL101811

Mr. Darryl Boyd
City of San José
801 North First Street, Room 400
San José, CA 95110-1795

Dear Mr. Boyd:

PP 05-102 – Coyote Valley Specific Plan Project – Notice of Preparation (NOP)

Thank you for including the California Department of Transportation in the environmental review process for the proposed project. We have reviewed the NOP and have the following comments to offer.

Our primary concern with the project is the potentially significant impact it may have to traffic volume and congestion. In order to address our concerns regarding the proposed development, we recommend a traffic impact analysis be prepared. We encourage the City to coordinate preparation of the traffic study with our office. The traffic impact analysis should include, but not be limited to the following:

1. Information on the project's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed.
2. Current Average Daily Traffic (ADT), AM, and PM peak hour volumes on all significantly affected streets, highway segments, intersections and ramps.
3. Schematic illustration of the traffic conditions for: 1) existing, 2) existing plus master plan, and 3) cumulative for the intersections in the master plan area.
4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State Highway facilities being evaluated.

5. Mitigation measures should consider highway and non-highway improvements and services. Special attention should be given to the development of alternate solutions to circulation problems that do not rely on increased highway construction.
6. All mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We recommend you utilize Caltrans' "*Guide for the Preparation of Traffic Impact Studies*" which can be accessed from the following webpage:
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

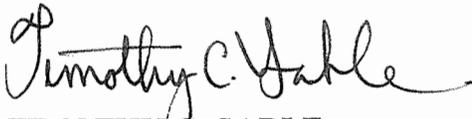
Please be advised that any work or traffic control within the State right-of-way (ROW) will require an encroachment permit from the Department. To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans (in metric units) which clearly indicate State ROW to the following address:

Mr. Sean Nozzari, District Office Chief
Office of Permits
California Department of Transportation, District 04
P. O. Box 23660
Oakland, Ca 94623-0660

An encroachment permit application and instructions can be located at the following web address: <http://www.dot.ca.gov/hq/traffops/developserv/permits/applications/index.html>

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

Mena, Michael

From: Boyd, Darryl
Sent: Monday, June 13, 2005 2:16 PM
To: 'Dawn Cameron'; Yakubu, Salifu
Cc: Mike Griffis; Jodi Starbird (E-mail); Mena, Michael
Subject: RE: CVSP NOP

Our understanding from our economists is that the only job sectors not included in this terminology are Government and Retail jobs. In other words, industry driving and business support + government + retail = (approx) 100% of the jobs anticipated. I hope this answers your question. If not, please let me know. Thanks for your interest.

Darryl D. Boyd, AICP

Principal Planner

City of San Jose, CA

Dept. of Planning, Building & Code Enforcement

Voice - (408) 277-8513; Main (408) 277-4576

email: darryl.boyd@sanjoseca.gov

WE'RE MOVING

As of August 22, 2005, our new address will be:

200 East Santa Clara Street

San Jose, CA 95113

-----Original Message-----

From: Dawn Cameron [mailto:dawn.cameron@comcast.net]
Sent: Friday, June 10, 2005 12:41 PM
To: Boyd, Darryl; Yakubu, Salifu
Cc: Mike Griffis
Subject: CVSP NOP

Darryl and Sal:

The County Roads and Airports Department is working on its comments on the NOP and we have a question of clarification we hope you will answer: The NOP says 50,000 industry-driving and business support jobs. This is the first time we've seen "business support" used as part of the 50,000. What is meant by business support — what types of jobs does it include? Does the 50,000 therefore include all jobs necessary to support a work place (e.g., security, janitorial services, landscape maintenance workers, etc.) in addition to the professional staff, secretaries, mailroom employees, etc.?

Dawn Cameron

Consulting Transportation Planner

County Roads and Airports Department



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Juan Bautista de Anza National Historic Trail
1111 Jackson, Suite 700
Oakland, California 94607
510 817-1438

RECEIVED
JUN 16 2005
CITY OF SAN JOSE
PLANNING DIVISION

June 14, 2005

Mr. Darryl Boyd
Principal Planner
Department of Planning, Building and Code Enforcement
City of San Jose
801 North First Street, Room 400
San Jose, CA 95110-1795

SUBJECT: Response to NOP for Coyote Valley Specific Plan Draft EIR

Dear Mr. Boyd,

Thank you for the Public Scoping Meeting Notice and Notice of Preparation (NOP) for the Coyote Valley Specific Plan Draft EIR dated June 1, 2005. Unfortunately I will be out of town on National Park Service (NPS) Anza Trail related business on June 21 and 22. Please accept this letter as the Juan Bautista de Anza National Historic Trail's input on the EIR analysis for the proposed development in Coyote Valley.

As background, the Juan Bautista de Anza National Historic Trail is a 1,200 mile long trail running from Nogales, Arizona to the San Francisco Bay area. The Anza Trail, in part, commemorates the Anza expedition and the settlement of San Francisco. The historic route of the trail passes through Santa Clara County and San Jose. Along with an historic corridor, the Anza Trail also has a recreational component, and the intent is to have a continuous multi-use recreational trail along the entire Anza route. The recreational route has to meet the certification requirements of the Anza Trail, including safety requirements for hikers, bikers, and equestrians.

The Anza Trail alignment is a regional trail connection that is included in the City of San Jose's and County of Santa Clara's respective planning documents. The City of San Jose's General Plan (Horizon 2000) identifies a network of citywide trails and pathways corridors in the Scenic Routes and Trails Diagram where the City's trails system is intended to provide many important access links to regional parks and open spaces in or adjoining the City. The citywide trails network also provides for the needs of hikers, equestrians and bicyclists via the most feasible and accessible routes through the urban areas. In addition, the City of San Jose's approved Strategic Plan, *The Greenprint*, identifies proposed trails network within Coyote Valley (Council District 2), which includes several cross-valley trail connections along Palm

Avenue (Urban Reserve/Greenbelt boundary), Laguna Avenue, Bailey Avenue and Fisher Creek.

In accordance with the 1995 *Santa Clara County Countywide Trails Master Plan Update* (CTMP) that the County Board of Supervisors adopted as part of the General Plan, Bailey Avenue was designated as a cross-valley trail that connected the Anza Trail alignment from the Coyote Creek Trail (within Coyote Creek County Park on the east side of Highway 101) to Santa Teresa County Park (on the west-side of Highway 101). However, the development of the Bailey Avenue interchange and U.S. Highway 101 overcrossing did not take into account the Anza Trail alignment and eliminated that potential route as a linking segment for the Anza Trail. A letter was sent on April 5, 2000 by then Trail Superintendent Meredith Kaplan outlining NPS concerns. In 2001, the City of San Jose signed an agreement with Santa Clara County in which the City agreed to develop a new separate, multi-use linking segment of the Anza Trail through the Coyote Valley Research Park (CVRP) development area, as partial compensation for an easement across Coyote Creek County Park to facilitate the Bailey Avenue Interchange construction. The trail is intended to accommodate hikers, bikers and equestrians.

The Bailey Avenue Overcrossing Agreement proposes to locate a new, separate trail crossing via Coyote Valley Parkway for a safe and uninterrupted connection of the Anza Trail alignment from Coyote Creek County Park to the west side of Monterey Road. This alignment would continue on the "Campus Trail" within the North Coyote Campus Industrial Area and along Santa Teresa Boulevard to Santa Teresa County Park. The NPS supports this route with the reiteration that it needs to handle multiple uses, including horses. If there are better trail route options available, the NPS is willing to discuss the City's proposal for a feasible and optimum Anza Trail route. However any such change will have to be mutually agreed upon by the NPS, Santa Clara County, and the City of San Jose and will require an amendment to the 2001 agreement between the City of San Jose, County of Santa Clara and the Coyote Valley Research Park, LLC. Group.

The NPS appreciates the support of San Jose in the development of recreational route segments that will meet Anza Trail needs well into the future. We look forward to working with the City of San Jose in completing this important link through Coyote Valley development.

Sincerely,



Stanley C. Bond, Jr., Ph.D.
Superintendent

Attachment: April 5, 2000 Letter from Superintendent Meredith Kaplan, National Park Service Juan Bautista de Anza National Historic Trail Program

Cc: Lisa Killough, Director, Santa Clara County Parks & Recreation Department

Mark Frederick, Manager of Planning & Real Estate, Santa Clara County Parks & Recreation Department

Mayor Ron Gonzales, City of San Jose City Council, CVSP Task Force Chair

Council Member Forrest Williams, City of San Jose City Council (District 2), CVSP Task Force Co-Chair

Council Member Linda J. LeZotte, City of San Jose City Council (District 1)

Council Member Cindy Chavez, City of San Jose City Council (District 3)

Council Member Chuck Reed, City of San Jose City Council (District 4)

Council Member Nora Campos, City of San Jose City Council (District 5)

Council Member Ken Yeager, City of San Jose City Council (District 6)

Office of District 7, City of San Jose City Council

Council Member David D. Cortese, City of San Jose City Council (District 8)

Council Member Judy Chirco, City of San Jose City Council (District 9)

Council Member Nancy Pyle, City of San Jose City Council (District 10)

Supervisor Donald F. Gage, County of Santa Clara Board of Supervisors (District 1)



United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
Pacific Great Basin Support Office
600 Harrison Street, Suite 600
San Francisco, California 94107-1372

IN REPLY REFER TO:

D18(PGSO-PP)

April 5, 2000

Julie E. Caporgno, Senior Planner
Department of Planning, Building, & Code Enforcement
801 E. First Street, Room 400
San Jose, California 95110-1795

Dear Ms. Caporgno:

We appreciate the opportunity to comment on **Draft Environmental Impact Report File No. PDCSH 99-053 (DEIR)**, Coyote Valley Research Park. Our interest relates to the 1200-mile Juan Bautista de Anza National Historic Trail (Anza Trail), designated by the U.S. Congress in 1990 and selected as a National Millennium Trail in 1999 by Secretary of Transportation Rodney Slater and First Lady Hillary Rodham Clinton.

The vision for this trail includes a continuous recreation route on or parallel to the historic route from Nogales, Arizona, to San Francisco. This recreational trail would be achieved by linking, marking, and interpreting local and regional trails. In some counties along the route, accommodating non-motorized multi-use requires identifying separate recreational route alignments to recognize the needs of different users. This is true for Santa Clara County.

We note that the DEIR (page 37) recognizes the bicycle route proposed along Santa Teresa Boulevard in the *Santa Clara County Trails Master Plan* (Master Plan) that could be marked as the Anza Trail. We ask that the FEIR note the width of the bicycle lane on the proposed roadway cross-sections (page 19) and that it be appropriately signed and marked. We would appreciate also that marking of the Juan Bautista de Anza National Historic Trail be included.

The DEIR also notes that the Master Plan identifies Coyote Creek Regional Trail as a portion of the Juan Bautista de Anza National Historic Trail. The DEIR fails to note two items: 1) the R-1A route for the Anza Trail identified in the Master Plan, of which the Coyote Creek Regional Trail is a part, is "a shared use route designed to *ensure an equestrian route through the County.*" (page 41, Master Plan, emphasis provided), and 2) the R-1A route turns west from the Coyote Creek Regional Trail at Bailey Avenue. This Bailey Avenue link is crucial to creating trail continuity for equestrians.

Therefore, the fact that the DEIR specifically finds equestrian access along Bailey Avenue incompatible with the roadway design (page 38) is a blow to continuity of the 1200-mile Juan Bautista de Anza National Historic Trail. To reduce the experience of the nationally significant trail to a bicycle lane on a highly traveled road would be a loss to current and future generations of trail users. The DEIR's claim that Bailey Avenue is proposed as a six-lane road with a high volume of traffic and therefore

Julie E. Caporgno
April 5, 2000
Page 2 of 2

inappropriate for equestrian use (page 38) is contradicted by the claim (page 44) that "the proposed Project includes substantial setbacks and landscaping adjacent to major arterials such as Bailey Avenue. Therefore, existing views and the *character* of Bailey Avenue will be maintained (emphasis added)." Surely, a shared use trail could be developed in such a setback.

The real issue with equestrian use probably stems from the design of the overpasses from U.S. 101. We suggest that the City finds itself faced with untenable trail connections because it separated the Bailey Avenue extension/U.S 101 interchange project from this proposed Coyote Valley Research Park project. Had the projects been considered as an integrated whole, as suggested in our December 15 letter to Mr. Derryberry, trail connections could have been considered as a part of the vital infrastructure they are, rather than as afterthoughts. As it is, even the already approved pedestrian connections from Coyote Creek along Bailey Avenue to the project are unsafe and unpleasant.

We request that the results of the discussions regarding equestrian access between the City and the Project Applicant noted in the DEIR (page 38) be included in the final environmental impact report (FEIR). We are available to participate in those discussions if our participation would be helpful. A satisfactory shared use trail from the Coyote Creek Regional Trail to and along Bailey Avenue providing continuity for the Juan Bautista de Anza National Historic Trail should be a part of the FEIR.

You may contact me by telephone at 415-427-1438, by e-mail at meredith_kaplan@nps.gov, or by mail at the letterhead address.

Sincerely,



Meredith Kaplan, Superintendent
Juan Bautista de Anza National Historic Trail

cc: Randolph F. Lamb, Vice President, Gibson Speno
John Chambers, Chief Executive Officer, Cisco Systems
Ron Gonzales, Mayor of the City of San José
Mark Linder, Director, San José City Department of Parks, Recreation and Neighborhood Services
Dave Mitchell, Planning Manager, San José City Department of Parks, Recreation and Neighborhood Services
Joe Horwedel, Deputy Director, City of San José Department of Planning, Building, and Code Enforcement
Paul Romero, Acting Director, Santa Clara County Environmental Resources Agency
All members of the County Planning Commission
Paul Bernal, Amigos de Anza
Phil Valdez, Amigos de Anza

PUBLIC UTILITIES COMMISSION

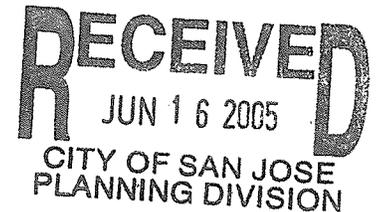
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



June 13, 2005

File No.:183-43
SCH#2005062017

Darryl Boyd
City of San Jose
801 N. First Street
San Jose, CA 95110



Dear Mr. Boyd:

Re: Coyote Valley Specific Plan

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to Union Pacific Railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. Of specific concern is the impact upon the existing at-grade highway-rail crossings at Palm and Live Oak Avenues.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles".

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Pat Kerr, UPRR



California Regional Water Quality Control Board

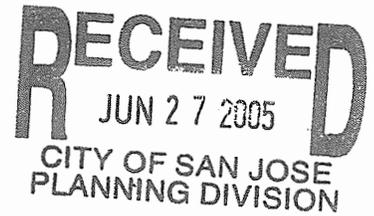
San Francisco Bay Region



Alan C. Lloyd, Ph.D.
Agency Secretary

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor



Date: 21 June 2005
File No. 2188.07 (RKM)

Mr. Darryl Boyd
City of San Jose
801 North First Street, Room 400
San Jose, CA 95110

Subject: Comments on Notice of Preparation for Coyote Valley Specific Plan

Dear Mr. Boyd,

The following comments on the subject document are intended to provide useful input into the preparation of an environmental document that will address key issues related to the impacts of the project on the beneficial uses of the waters of Coyote Creek and Fisher Creek.

1. Stormwater Impacts

- a. The EIR should quantify the impacts of the conversion of land to developed uses on flows in Coyote Creek adjacent to the project area and downstream of the project area, including increases in flows and erosive energy for the 2-year, 5-year and 10 year storms as well as the 50 year event and potential decreases in flows between storm events
- b. The EIR should quantify the impacts of the proposed changes in character and alignment of Fisher Creek and the additional of detention basins on flows within Fisher Creek and on Coyote Creek downstream of the confluence of Fisher Creek and Coyote Creek.
- c. The EIR should show how C.3 provision for managing the quality and quantity of stormwater will be assured.

2. Groundwater Impacts

- a. The EIR should conduct modelling studies that indicate the potential impact of groundwater use on flows in Coyote Creek. This should include pump tests and geological cross sections necessary to predict the response of flow in the creek to changes in groundwater elevation. This should examine scenarios involving current flow conditions/releases from Anderson Dam and future water release schedules to which the Santa Clara Valley Water District (SCVWD) is committed to improve fishery conditions in Coyote Creek.
- b. The EIR should quantify the potential impacts (positive and negative) to the quality of waters in the groundwater basin resulting from percolation of water from the developed areas.

- c. The EIR should consider additional policies for the area that would minimize the waste of water, for example, by the prohibition of cultivation of exotic grasses and plants and the development of landscaping design guidelines that emphasize native plants in public areas, in commercial, industrial areas and in appropriate portions of residential areas.
3. Habitat Loss and Retention
- a. The EIR should consider alternatives to the proposed plan that allow for additional buffer areas adjacent to Coyote Creek. Buffer widths to be considered should include the width necessary for restoration/preservation of geomorphic equilibrium and provide for necessary riparian habitat adjacent to the stream to assure habitat continuity for wildlife.
 - b. The EIR should identify the width of the corridor necessary for restoration of geomorphic equilibrium, i.e. natural meanders and physical dimensions that transport sediment without excessive erosion or deposition. This investigation could be most efficiently and effectively done by building on work already done by the Santa Clara Valley Water District.
 - c. The EIR should clarify the design concepts to be used in assuring the roadway creek crossings do not affect the meander width or the wildlife continuity corridor along Coyote Creek. The EIR should consider alternatives to minimize the number of creek crossings involved with the development.
 - d. The EIR should should quantify the impacts of any flood plain filling on flow rates, velocities, and erosive power that would result from any reductions in flood plain storage, e.g. the filling of 600 acres west of the Monterey Highway and 90 acres to the east of Monterey Highway. The EIR should examine alternatives that would avoid these impacts to Coyote Creek adjacent to/within the project and downstream of the project.

If you have clarifying questions about these comments, please contact me at 408-21-4658 or rmcmurtry@waterboards.ca.gov.

Sincerely,



Richard K. McMurtry
Senior Watershed Specialist

Cc:

Paul Amato, RWQCB



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

RECEIVED
JUN 24 2005

CITY OF SAN JOSE
PLANNING DEPARTMENT JUN 21 2005

Mr. Darryl Boyd
City of San Jose
801 North First Street, Room 400
San Jose, CA 95110-1795

Subject: Notice of Preparation (NOP) for the draft Environmental Impact Report for the Coyote Valley Specific Plan Project

Dear Mr. Boyd:

I am writing in response to the Notice of Preparation (NOP) for the draft Environmental Impact Report (EIR) for the Coyote Valley Specific Plan Project (CVSP) in Santa Clara County, California. As you may know, EPA has been participating in the CVSP Biology and Water Quality Subcommittees to help address issues related to these important components of the CVSP. We appreciate the attempts the City has made to share information when it becomes available and coordinate amongst a vast array of stakeholders. We remain concerned, however, that several key issues have not been addressed prior to this NOP and that the EIR may not reflect sufficient detail on issues such as wetlands and water quality to be able to move the project forward.

Clean Water Act, Section 404

At an April 4, 2005 Water Quality Subcommittee meeting, EPA and the U.S. Army Corps of Engineers (Corps) requested a rationale for why the environmental document for CVSP will be a California Environmental Quality Act (CEQA) document and not a National Environmental Protection Act (NEPA)/CEQA document. The need for compliance with the Section 404(b)(1) Guidelines of the Clean Water Act would indicate that a combined Environmental Impact Report and Environmental Impact Statement (EIR/EIS) would benefit the project's schedule; otherwise regulatory agencies may not have the information necessary to issue federal permits. We believe it is essential for the City to combine the State and Federal environmental planning and permitting processes for this project by producing a joint EIR/EIS. By proceeding in this manner, the permitting process can be expedited with local, state, and federal permitting issues comprehensively addressed and resolved.

HCP/NCCP

As the NOP states in its Biological Resources section, a great number of endangered species and sensitive habitats exist in the geographic scope of the CVSP. The permitting mechanism for addressing impacts to these species and habitats is not provided. The potential for coordination with the concurrent HCP/NCCP in the surrounding area would provide relevant information for the EIR, especially in evaluating cumulative effects.

Hydrology, Water Quality, and Ecological Resources

Coyote Creek is a valuable riverine and riparian resource. The conceptual maps provided in the NOP indicate commercial and residential development east of Monterey Highway might encroach upon Coyote Creek and its riparian corridor. In order to comply with the 404(b)(1) Guidelines to avoid and minimize impacts to the aquatic ecosystem, the City must disclose and prevent potential adverse effects resulting from direct, indirect, and cumulative impacts. Consideration must be given to the siting of infrastructure so that it will not impact the hydrological regime of Coyote Creek nor the wildlife corridors. The proposed encroachment into the Coyote Creek corridor and its tributaries is not acceptable from the standpoint of protecting public health and the environment. A way to reduce or eliminate impacts to aquatic resources from adjacent land use is to maintain adequate buffers around the resources. Buffers are vegetated zones located between natural resources and adjacent areas subject to human alteration. The range of generally appropriate buffer widths is variable depending on the biological, chemical and physical characteristics of the stream and associated buffer area. Literature supports buffer widths from a minimum of 100 feet to greater than 350 feet outward from the top of each bank.

We look forward to a complete delineation of jurisdictional waters and full compliance with Federal Guidelines promulgated under CWA Section 404(b)(1). If you have any questions or comments or if we may be of assistance to you as you produce your environmental documents, please contact Luisa Valiela of my staff at 415-972-3400.

Sincerely,



Tim Vendlinski, Chief
Wetlands Regulatory Office

cc: Phelicia G. Thompson, ACOE, San Francisco
Holly Costa, ACOE, San Francisco
Scott Wilson, DFG, Yountville
Maura Eagan Moody, NOAA Fisheries, Santa Rosa
Cecilia Brown, USFWS, Sacramento
Lisa Killough, SCCP, San Jose
Elish Ryan, SCCP, San Jose



California
Department of
Health Services
SANDRA SHEWRY
Director

State of California—Health and Human Services Agency
Department of Health Services



ARNOLD SCHWARZENEGGER
Governor

June 23, 2005

Office of Planning and Research
State Clearinghouse
Attention: Scott Morgan
P. O. Box 3044
Sacramento, CA 95812-3044

Dear Mr. Scott:

**COYOTE VALLEY SPECIFIC PLAN PROJECT – NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT
(SCH# 2005062017)**

The Department of Health Services' (Department) comments on the proposed project are as follows:

It is the Department's understanding that the issue of which public water system will serve the proposed project is currently being resolved. The project area, as indicated in the Notice of Preparation (NOP), lies within the service areas of both the San Jose Municipal Water System (SJMWS) and the Great Oaks Water Company (GOWC). Both public water systems are under the jurisdiction of the Department.

In the event that any approved development project within the scope of Coyote Valley Specific Plan requires additional water facilities and capacities in order to meet the water demands of the project, the public water system(s), chosen to supply the water needs of the users in the project area(s), will need to apply for and obtain the necessary (amended) permits from the Department regarding any additions or changes to its system, in accordance with Section 116550 (a), Article 7, Chapter 4, California Health and Safety Code (CHSC).. This section specifies that no person operating a water system shall modify, add to or change his or her source of supply or method of treatment or change his or her distribution system as authorized by a valid permit issued to him or her by the Department, unless the person first submits an application to the Department and receives an amended permit as provided in this chapter authorizing the modification, addition or change in his or her source of supply or method of treatment.

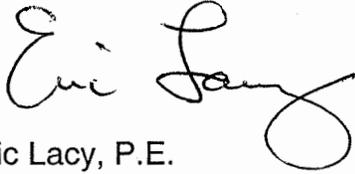
Drinking Water Field Operations Branch, 2151 Berkeley Way, Room 458, Berkeley, CA, 94704-1011
(510) 540-2158 FAX (510) 540-2152

DHS Internet Address: www.dhs.ca.gov Program Internet Address: www.dhs.ca.gov/ps/ddwem

Mr. Scott Morgan
June 23, 2005
Page 2

If you have any questions, please call Jose P. Lozano IV at (510) 540-2043 or myself at (510) 540-2413.

Sincerely,

A handwritten signature in black ink that reads "Eric Lacy". The signature is written in a cursive style with a large, looping "y" at the end.

Eric Lacy, P.E.
District Engineer
Santa Clara District
Drinking Water Field Operations Branch

cc: SDWSRF-Environmental Coordinator
601 North 7th Street, MS 92
P.O. Box 942732
Sacramento, CA 94234-7320

Darryl Boyd
City of San Jose
801 N. First Street
San Jose, CA 95110-1795

Santa Clara County Health Department
Environmental Health Division



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June 23, 2005

City of San José
Attn: Darryl Boyd
801 North First Street, Room 400
San José, CA 95110-1795

**SUBJECT: Notice of Preparation of a Draft Environmental Impact Report for
the Coyote Valley Specific Plan Project**

Dear Mr. Boyd:

We received the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Coyote Valley Specific Plan Project from your web site.

The Peninsula Corridor Joint Powers Board (JPB) that operates the Caltrain Service from San Francisco to Gilroy, would be interested in receiving two copies of the Draft EIR when it is available. Please send two copies to:

San Mateo County Transit District
Attn: Erik Ólafsson, Senior Planner
1250 San Carlos Avenue
San Carlos, CA 94070-1306

The JPB would be interested in how the public transit needs of the Coyote Valley will be addressed, and in Transportation Demand Management (TDM) implementation for the area.

We are also interested in the proposed Caltrain multimodal station design, funding, access, and in the double tracking shown on Circulation Diagram Figure 5 in the NOP.

Please contact Erik Ólafsson at (650) 508-6368 if you have any questions. Thank you.

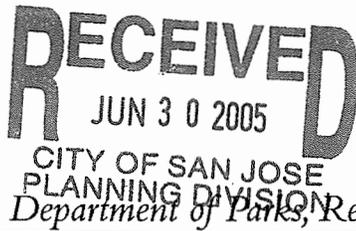
Sincerely,

A handwritten signature in black ink, appearing to read "Ian B. McAvoy", written over a horizontal line.

Ian B. McAvoy
Chief Development Officer
Peninsula Corridor Joint Powers Board

cc: Bob Doty, Anthony Quicho, Erik Ólafsson, Doc-Control

PENINSULA CORRIDOR JOINT POWERS BOARD
1250 San Carlos Avenue – P.O. Box 3006
San Carlos, CA 94070-1306 (650) 508-6269



PARKS AND RECREATION COMMISSION

June 30, 2005

City of San Jose
Attn: Darryl Boyd
801 North First Street, Room 400
San Jose, CA 95110-1795

Subject: Environmental Impact Report for the Coyote Valley Specific Plan

Dear Mr. Boyd:

On June 15, 2005, the City of San José Parks and Recreation Commission considered the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Coyote Valley Specific Plan (CVSP) Project by the City of San Jose (File No. PP05-102). As a Commission in charge of recreational facilities, we have the following concerns:

1. What impacts will the sport fields have on the Greenbelt? What are the limited uses of such facilities within the Greenbelt? Is there adequate water to irrigate the proposed sport fields adjacent to Palm Avenue? Are there alternative locations within the North and Central Coyote Valley for the sport fields? Can the fields be lighted? Will this site support a septic system for a public restroom?
2. The City's General Plan Goal for neighborhood/community parks is 3.5 acres per 1000 population, however, land dedications from developers are limited under the Parkland Dedication and Park Impact Ordinances to 3.0 acres per 1000 population. Which number will be used to determine the park needs for the CVSP? Will the Plan provide the optimum parkland ratio in the City?
3. Considering the density of the proposed housing development associated with the CVSP, there could be an environmental impact associated from dogs and waterfowl on the neighborhood/community parks. Does the plan propose mitigation measures for such dropping by dogs and/or waterfowl?
4. Is the CVSP adhering to the riparian setback guidelines of 100 feet? If not, why?
5. Considering the density of the proposed development associated with the CVSP, there could be an environmental impact associated poor air quality in the parks.

6. Is there adequate supply of water to support the recreational lake, irrigated parklands and the parkway system?
7. Will the urban channel have an adequate water flow to reduce any concerns of mosquitoes, alga blooms and poor air quality from standing water?
8. What are the anticipated impacts and mitigation measures to protect the Coyote Creek County Park Chain from overuse by the adjacent development of the CVSP.
9. Will the guidelines for building development be in line with the Green Building principles? If not, why?
10. Will solar panels be required for this development? If not, why?
11. Will there be tax funding to support the maintenance of the parklands, public pools, the lake, community center(s) and other recreational facilities being proposed in the CVSP?
12. Will there be tax funding to support the recreational programming of the facilities in the CVSP?

Yours truly,

A handwritten signature in black ink, appearing to read 'Helen Chapman', with a long horizontal flourish extending to the right.

Helen Chapman, Chair
Parks and Recreation Commission

c: Dave Mitchell, PRNS

Mena, Michael

From: Mena, Michael
Sent: Monday, June 06, 2005 3:56 PM
To: 'Jodi Starbird'
Cc: Boyd, Darryl
Subject: FW: PP 05-102: Coyote Valley Specific Plan

NOP Comments

-----Original Message-----

From: Zsutty, Yves
Sent: Monday, June 06, 2005 2:53 PM
To: Boyd, Darryl; Mena, Michael
Subject: PP 05-102: Coyote Valley Specific Plan

Darryl, Michael,

I've reviewed the document posted on the Planning Department's web site and would like to share the following comments pertaining to integration of the project with the City-wide Trail System.

Section C - Project Background (page 2)

This section acknowledges that 'trails' are an important component of a highly livable community - however the remainder of the document doesn't explain the important recreational/transportation function of trails. The trails should be referenced as a transportation component, linking community resources to the regional transportation system and City-wide trails.

Proposed Development (page 7)

Trails are referenced in this section with parks and playfields. That reference is appropriate, but I believe that the trails should be represented also as an important component of the transportation system. I would recommend that trails be studied for connectivity to major destinations within the community as well as to the rail connections (Caltrain) and the larger trail system. Trails can serve as a legitimate alternative to the public transportation system, since many users will choose to bike or walk to their primary commute resource (train, bus, etc) instead of waiting for the internal transit system.

Map, Item 1.6.1 (page 9)

The equestrian trail appears to terminate at a major roadway in the community. All access points to equestrian trails should include a staging area of sufficient size for parking of horse trailers and be at a sufficient distance from vehicle traffic to not agitate the horses.

Permanent Greenbelt (page 11)

Trails planned for the greenbelt should be linked to the area's larger trail system, and/or connect to designated trails as part of the Bay Ridge Trail System.

Yves Zsutty
Program Manager I - Citywide Trail System
Department of Parks, Recreation & Neighborhood Services
170 West San Carlos Street, First Floor
San Jose, CA 95113
(408) 794-1302
fax (408) 297-3108

New address as of July 11th.
City Hall
200 East Santa Clara Street
San Jose, CA 95113



RECEIVED
JUL 5 2005
CITY OF SAN JOSE
PLANNING DIVISION

Memorandum

TO: DARRYL BOYD
PLANNING DIVISION OF PBCE

FROM: Dave Mitchell
PRNS

SUBJECT: NOP – Coyote Valley Specific Plan

DATE: 07-05-05

Approved

Date

Please replace the letter from the Parks and Recreation Commission submitted on June 30, 2005, with the attached letter dated July 1, 2005, regarding the Draft Environmental Impact Report for the Coyote Valley Specific Plan.

David J. Mitchell
Parks Planning Manager

July 1, 2005

City of San Jose
Attn: Darryl Boyd
801 North First Street, Room 400
San Jose, CA 95110-1795

Subject: Draft Environmental Impact Report for the Coyote Valley Specific Plan

Dear Mr. Boyd:

On June 15, 2005, the City of San José Parks and Recreation Commission considered the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Coyote Valley Specific Plan (CVSP) Project by the City of San Jose (File No. PP05-102). As a Commission in charge of recreational facilities, we have the following concerns:

1. What impacts will the sport fields have on the Greenbelt? What are the limited uses of such facilities within the Greenbelt? Is there adequate water to irrigate the proposed sport fields adjacent to Palm Avenue? Are there alternative locations within the North and Central Coyote Valley for the sport fields? Can the fields be lighted? Will this site support a septic system for a public restroom? The DEIR should evaluate alternatives for an adequate sports field supporting the CVSP.
2. The City's General Plan goal for neighborhood/community parks is 3.5 acres per 1000 population, however, land dedications from developers are limited under the Parkland Dedication and Park Impact Ordinances to 3.0 acres per 1000 population. Which number will be used to determine the park needs for the CVSP? Will the plan provide the optimum parkland ratio in the City? The DEIR should evaluate recreation goals using 3.5 acres per 1000 residents as the baseline.
3. Considering the density of the proposed housing development associated with the CVSP, there could be an environmental impact associated from dogs and waterfowl on the neighborhood/community parks. The DEIR should include mitigation measures for dog and/or waterfowl droppings in neighborhood/community parks.
4. Is the CVSP adhering to the riparian setback guidelines of 100 feet? Because of the proximity of a natural creek environment to a proposed urban development, the DEIR should identify the development impacts to the creek environment and determine whether a

more protective riparian corridor policy specific to the CVSP project may be required as a mitigation measure.

5. Considering the density of the proposed development associated with the CVSP, The DEIR should evaluate the impact of poor air quality in parks.
6. The DEIR should evaluate whether there is an adequate water supply to support the recreational lake, irrigated parklands and the parkway system.
7. The DEIR should evaluate whether there is adequate water flow in the urban canal to minimize effects of mosquitoes, algae blooms and poor air quality from standing water.
8. The DEIR should evaluate impacts to the Coyote Creek County Park Chain from overuse by the adjacent development of the CVSP and adequate mitigation measures should be imposed.
9. The DEIR should consider Green Building principles for new development in the CVSP.
10. The Proposed Development section of the NOP states that the project is developed utilizing the concept of sustainable, transit-oriented, walkable, residential, retail and mixed-use development (page 7). The term "sustainable" should be defined in terms of energy efficiency. For example, the DEIR should evaluate the use of solar panels for this development.
11. The DEIR should identify funding sources to adequately support the maintenance of the parklands, public pools, lake, community centers, and other recreational facilities proposed in the CVSP.
12. The DEIR should identify tax funding to support the recreational programming of the facilities in the CVSP.

Yours truly,

A large, stylized handwritten signature in black ink, appearing to read 'Helen Chapman'. The signature is written over a horizontal line and includes a small 'for' written below the start of the signature.

Helen Chapman, Chair
Parks and Recreation Commission

c: Dave Mitchell, PRNS



FAX COVER SHEET

Please deliver the following pages to:

Name: **Darryl Boyd, Principal Planner**
Cc: **Mike Mena, Associate Planner**
Office: **City of San Jose Planning Department**
Fax #: **Fax: (408) 277-3250**

Fax is being sent by:

Name: **Dunia Noel, LAFCO Analyst** *DN*
Office: **LAFCO of Santa Clara County**

Total Number of pages including cover sheet: 11 Pages

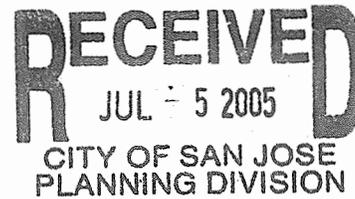
Date: 6/30/05 Time: 1:05 PM

If you do not receive all the pages, please call (408) 299-5148

Comments:

Darryl and Mike-

Attached are LAFCO's comments on the scope and content of the environmental information to be addressed in the EIR. The comments are in light of the City's eventual plans to apply to LAFCO for an USA expansion and to annex mid-Coyote in order to implement the Coyote Valley Specific Plans. Please feel free to call me if you have any questions concerning our comments. Thanks for your time.



June 30, 2005

Darryl Boyd, Principal Planner
San Jose Planning Department
City of San Jose
801 N. First Street
San Jose, CA 95110-1704

Re: Comments on the Scope of the EIR for San Jose's Coyote Valley Specific Plan (CVSP)

Dear Mr. Boyd:

Thank you for providing the Local Agency Formation Commission of Santa Clara County (LAFCO) with the opportunity to provide input on the scope and content of environmental information to be addressed in the Environmental Impact Report (EIR) for the Coyote Valley Specific Plan.

The current scoping and preparation period for the Draft Environmental Impact Report provides an opportunity for LAFCO to inform the City about the issues that LAFCO will be considering as part of the Urban Service Area amendment and annexation process. LAFCO provides these preliminary comments to the City at this time, so that the City can consider them during the fiscal and environmental impacts analysis process and address them in the Coyote Valley Specific Plan.

BACKGROUND

LAFCO staff has been attending the Coyote Valley Specific Plan community workshops and participating on the CVSP Technical Advisory Committee in order to stay informed about the development of the specific plan and to provide input where appropriate.

According to City staff:

- The City Council is tentatively expected to consider adopting the CVSP in Spring 2006. Once the CVSP is adopted, the City then plans to apply to LAFCO to expand its Urban Service Area boundary and to annex the mid-Coyote Urban Reserve in Winter 2006,

LAFCO's policies state that mitigation measures could include, but are not limited to: the acquisition and dedication of farmland, development rights, open space and conservation easements to permanently protect adjacent and other agricultural lands within the county, participation in other development programs such as transfer or purchase of development rights, payments to recognized government and non-profit organizations for such purposes, and establishment of buffers to shield agricultural operations from the effects of development.

Evidence That An Adequate Water Supply is Available to USA Amendment Area

City staff has indicated that discussions are occurring between the City and potential water suppliers to determine water supply options for the CVSP. LAFCO will require evidence that an adequate water supply is available to the amendment area and that water proposed to be provided to the new area does not include supplies needed for unserved properties already within the city, the city's Urban Service Area or other properties already committed for city water services.

Addressing Local and Regional Impacts of Proposed USA Amendment

LAFCO will consider factors included in Government Code section 56668 as well as factors such as the following to determine the local and regional impacts of a proposed USA amendment:

- The ratio of lands planned for residential use to lands planned for employment-producing use;
- The existence of adequate regional and local transportation capabilities to support the planned city growth;
- The ability of the city to provide urban services to the growth areas (both lands within the city, as well as lands within San Jose's USA boundary) without detracting from current service levels; and
- The project's fiscal impact on schools and the ability of school districts to provide school facilities.

Addressing Affordable Housing Needs as Part of the CVSP

LAFCO will discourage proposals that undermine regional housing needs plans, reduce affordable housing stock, or propose additional urbanization without attention to affordable housing needs. LAFCO will specifically consider whether the proposal creates conditions that promote local and regional policies and programs intended to remove or minimize impediments to fair housing including:

- City/County General Plan Housing Elements,

URBAN SERVICE AREA POLICIES

A. General Guidelines

1. Review and amendment of Urban Service Area (USA) boundaries is the Commission's primary vehicle for encouraging orderly city growth.
2. LAFCO will review/amend a city's Urban Service Area once a year, if such review is desired by the city and initiated by city resolution and application. Until a city's application has been heard and acted upon by the Commission, no further Urban Service Area amendments will be accepted for filing from that city. LAFCO may make an exception to the once a year limitation upon Urban Service Area amendment requests where amendment is needed to carry out some special institutional development or activity that is in the public interest. Such exceptions shall not normally be extended in connection with proposed residential, commercial, or industrial development.
3. Within the Urban Service Areas, LAFCO does not review city annexations and reorganizations if the proposals are initiated by city resolution and meet certain conditions. State law gives cities in Santa Clara County the authority to approve such reorganizations.

B. Urban Service Area Amendment Policies

1. LAFCO will require application of an appropriate general plan designation to territory proposed for inclusion in an Urban Service Area.
2. LAFCO encourages contractual agreements and/or plans between the cities and the County which define:
 - a. Growth at the urban fringe; and
 - b. Potential new growth areas.
3. LAFCO will consider factors included in Government Code section 56668 as well as factors such as the following to determine the local and regional impacts of a proposed Urban Service Area amendment:
 - a. The ratio of lands planned for residential use to lands planned for employment-producing use
 - b. The existence of adequate regional and local transportation capabilities to support the planned city growth;

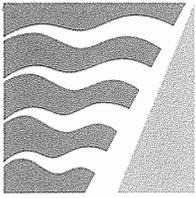
7. The Commission will consider whether an Urban Service Area amendment leading to the conversion of agricultural or other open space land, will adversely affect the agricultural or open space resources of the County. Factors to be studied include, but are not limited to:
 - a. The agricultural significance of the amendment area relative to other agricultural lands in the region (soil, climate, water-related problems, parcel size, current land use, crop value, Williamson Act contracts, etc.)
 - b. The economic viability of use of the land for agriculture;
 - c. Whether public facilities, such as roads, would be extended through or adjacent to other agricultural lands in order to provide services to anticipated development in the amendment area or whether the public facilities would be sized or situated to impact other agricultural lands in the area
 - d. Whether the amendment area is adjacent to or surrounded by existing urban or residential development.
8. If an Urban Service Area proposal includes the conversion of open space lands or agricultural lands, LAFCO strongly encourages the city to develop effective mitigation measures to address the loss of the agricultural and open space lands. LAFCO will require an explanation of why the inclusion of agricultural and open space lands is necessary and how the loss of such lands will be mitigated.

Mitigation measures include, but are not limited to: the acquisition and dedication of farmland, development rights, open space and conservation easements to permanently protect adjacent and other agricultural lands within the county, participation in other development programs such as transfer or purchase of development rights, payments to recognized government and non-profit organizations for such purposes, and establishment of buffers to shield agricultural operations from the effects of development.
9. Where appropriate, LAFCO will consider adopted policies advocating maintenance of greenbelts or other open space around cities in reviewing Urban Service Area amendments.
10. LAFCO will require evidence that an adequate water supply is available to the amendment areas and that water proposed to be provided to new areas does not include supplies needed for unserved properties already within the city, the city's Urban Service Area or other properties already charged for city water services. In

- b. Whether the proposal introduces urban uses into rural areas thus increasing the value of currently affordable rural area housing and reducing regional affordable housing supply.
- c. Whether the proposal directs growth away from agricultural / open space lands towards infill areas and encourages development of vacant land adjacent to existing urban areas thus decreasing infrastructure costs and potentially housing construction costs.
- d. Whether funding of infrastructure to support development in the amendment area imposes an unfair burden on residents or customers within the existing boundaries thus impacting housing construction costs in the area.

Island Annexation Policies Effective February 9, 2005

1. In order to fulfill the intent of the state legislature and implement the joint urban development policies of the cities, County and LAFCO, and in the interests of efficient service provision and orderly growth and development, the cities should annex unincorporated urban islands.
2. LAFCO will collaborate with the cities and the County in facilitating annexation of unincorporated urban islands.
3. LAFCO will provide a 2-year LAFCO fee waiver for annexations that result in the elimination of entire unincorporated islands. The current LAFCO fee is \$670 for each annexation area. This fee waiver will expire on January 1, 2007.
4. Where feasible, and in furtherance of goals to support orderly growth and development, cities are encouraged to annex entire islands, rather than conducting single parcel annexations.
5. In the interests of orderly growth and development, cities should annex urban unincorporated islands existing within their current USAs (urban service areas), before seeking to add new lands to their USAs.
6. Prior to seeking any USA amendment, except if the USA amendment is to resolve a significant, demonstrable public health and safety issue or if the USA amendment is a minor corrective action, the city should:
 - a. Initiate and complete annexation proceedings pursuant to Government Code Section 56375.3(a)(1), for all unincorporated islands that meet the provisions of Government Code Section 56375.3, unless the island constitutes publicly owned land, and,
 - b. For any city that has unincorporated islands larger than 150 acres, the city is strongly encouraged to adopt an annexation plan for the islands after holding community meetings, to apply a pre-zoning designation and to adopt resolutions to initiate annexation.
7. LAFCO encourages the County to remove incentives for property owners in the unincorporated islands to remain in the County, by making development standards in the unincorporated islands comparable to development standards in the surrounding city.
8. LAFCO will provide information on the island annexation procedures to each of the cities. LAFCO will develop process flow charts and public hearing notice / resolution templates for cities to use. LAFCO staff will conduct workshops on island annexation process for city staff.
9. LAFCO will work with the County, the cities and other interested parties/agencies to find ways to reduce or share the cost of processing unincorporated island annexations.
10. LAFCO staff will report to the Commission at each LAFCO meeting on the status of each city's island annexation efforts.



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT



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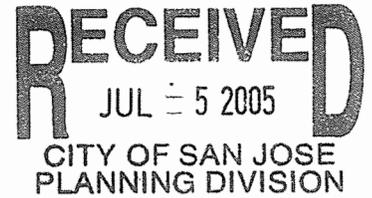
Jack P. Broadbent
EXECUTIVE OFFICER/APCO

June 30, 2005

Darryl Boyd
City of San Jose
801 North First Street, Room 400
San Jose, CA 95110-1795

Subject: Coyote Valley Specific Plan Project

Dear Mr. Boyd:



Bay Area Air Quality Management District (District) staff have received your agency's Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Coyote Valley Specific Plan (CVSP). The CVSP consists of approximately 26,600 residential units, at least 50,000 jobs, and approximately 1.5 million square feet of regional and local-serving retail uses on approximately 7,000 acres of primarily undeveloped land twelve miles south of downtown San Jose. The CVSP also includes mixed-use development, a permanent greenbelt, parks and civic uses, schools, and transportation infrastructure.

We agree that the DEIR should analyze the CVSP's potential impacts upon air quality. The Bay Area is currently a non-attainment area for federal and state ambient air quality standards for ground level ozone and state standards for particulate matter. The air quality standards are set at levels to protect public health and welfare. Toxic air contaminants are also an area of serious concern in the Bay Area, such as those associated with diesel exhaust from construction activity. As general background for readers, the DEIR should discuss the health effects of air pollution and the contribution of mobile and stationary sources to air pollution emissions.

To evaluate potential air quality impacts, the DEIR should include an analysis of the CVSP's consistency with the Bay Area 2000 Clean Air Plan (CAP). In order to evaluate consistency with the CAP, the City should consider the following: the CVSP's consistency with the CAP's population and vehicle use projections for San Jose; the extent to which the CVSP implements applicable transportation control measures from the CAP; and whether the CVSP provides buffer zones around sources of odors, toxics and accidental releases. In particular, the District recommends that the DEIR address any cumulative air quality effects and growth-inducing impacts of implementing both the North San Jose Development Policies (NSJDP) and the CVSP. The NSJDP proposes to intensify development in the Rincon de los Esteros Redevelopment Area in the northern part of San Jose, and the DEIR for that plan listed the CVSP as an alternative for that level of development. Collectively the CVSP and NSJDP could potentially exceed the CAP's population and vehicle use projections for San Jose. This growth could have potentially significant impacts upon air quality.

District staff support infill and redevelopment of parcels in the City of San Jose, as these sites are located closer to existing jobs and activity centers, thereby supporting alternative transportation modes more readily than greenfield development. Many areas of San Jose are well-served by transit, which helps reduce the need to drive and the air pollution associated with automobile use. Infill development also can encourage walking and cycling. District staff recommend the DEIR include a project alternative that accommodates some or all of the proposed growth in the CVSP on infill and redevelopment sites in the City, such as areas identified in NSJDP or other urban infill areas.

Since motor vehicles constitute the largest source of air pollution in the Bay Area, the District has a strong interest in promoting transit and other alternative modes of transportation that reduce automobile use. We support the City of San Jose's plans to implement transit, bicycle and pedestrian improvements that will connect housing, employment sites, activity centers and transit stations in the project area. We encourage the City to work with the Santa Clara Valley Transportation Authority (VTA) and the Metropolitan Transportation Commission on how best to implement such improvements. A new fixed guideway transit system, as proposed for Coyote Valley, would require a substantial transportation investment to build and operate. Therefore, it is essential that the project be planned and operated to maximize its public benefits, including air quality benefits. The NOP anticipates that the transit system will be provided at no cost to the rider (page 12). The DEIR should identify the approximate capital and operating costs associated with the proposed fixed guideway transit system as well as the potential funding sources. The DEIR should also evaluate the expected ridership for such a system. District staff recommend the DEIR evaluate and compare the effectiveness (cost and ridership) of other alternative transportation options, such as clean-fuel buses and transportation demand management (TDM) measures, to a fixed guideway system. District staff recommend implementing cost-effective transportation alternatives that minimize increases in vehicle trips and shift the largest number of residents, employees, and visitors to transportation modes that are better for air quality.

The District recommends implementing strong TDM measures in the CVSP area including, but not limited to: requiring or requesting developers of new housing or commercial uses to provide transit passes, such as VTA's EcoPass or Caltrain's GoPass, to all new residents and employees of the project area; implementing a carshare program for the project area; encouraging employers to implement parking cash-out programs; and implementing ridesharing programs for both local employees and residents. Encouraging alternative transportation modes through the specific plan's policies and programs can lead to a reduction in automobile trips and their associated air pollution emissions, thereby improving air quality.

An over-supply of parking is one of the reasons why people do not consider alternatives to driving alone. We recommend that the City minimize the number of required parking spaces for housing and commercial uses to help support a transit- and pedestrian-friendly environment. Reducing parking requirements, particularly near transit, can help reduce development costs. It can also increase the amount of land serving pedestrians rather than parking, thereby improving urban design by making the area more walkable. Developers should be encouraged to unbundle their parking (i.e. charge for off-street parking separately from rents). Implementing TDM measures, such as those mentioned above, is another way to reduce the amount of required off-

street parking spaces. Charging for parking also reduces demand for both parking and driving. These parking measures can help decrease development costs, reduce the demand for parking, increase the use of alternative transportation modes and help improve air quality.

The District supports the City's proposal to make Coyote Valley a transit-oriented, walkable community by promoting a mix of uses and transit-oriented development. We recommend giving priority and most direct access to alternative transportation modes as opposed to motor vehicles. Encouraging residents and employees to walk can reduce air pollution, create more vibrant neighborhoods and make the mixed-use businesses more economically viable. To improve the walkability of the area, District staff recommend using a traditional grid pattern for the local streets. The Circulation Diagram (Figure 5) in the NOP has some grid features, but it also has numerous cul-de-sacs, shifted street orientations and long blocks. Pedestrian access could be enhanced by reducing block lengths and minimizing cul-de-sacs and/or providing pedestrian access at the ends of cul-de-sacs. In addition, we suggest that sidewalks should be well-shaded and that pedestrian crossings be well-marked, at-grade crossings with bulbouts and pedestrian countdown signals. Further, the proposed Coyote Valley Lake could be a potential barrier to pedestrian, bicycle and transit accessibility. This man-made feature is located immediately adjacent to the CVSP's highest density residential units and its mixed-use community core areas. We recommend studying alternatives to this feature that will provide more direct connections for pedestrians, bicyclists, and transit riders.

District staff recognize the City of San Jose as being a Bay Area leader in trying to reduce the amount of energy associated with new projects. The NOP states that the DEIR will address the increased demand for energy associated with the CVSP. Increasing the demand for electricity, natural gas, and gasoline may result in an increase of criteria air pollutant emissions from combustion, as well as an increase in greenhouse gas emissions, which can impact regional air quality. We recommend that the DEIR discuss energy demand of the CVSP at build-out, including any cumulative impacts on energy use from this project and other planned projects in the area, in particular the need to build "peaker power plants" to provide power during peak demand. We also recommend including all feasible mitigation measures that will reduce energy consumption, including but not limited to: super-efficient heating, ventilation, and air conditioning (HVAC) systems for residential and commercial uses; cool roof treatments; albedo pavement treatments; shade trees adjacent to buildings; photovoltaic panels on buildings; and the use of natural light and energy-efficient lighting. We encourage the City of San Jose to identify the energy-saving measures that will be required at a minimum for all new projects in the project area and which additional measures will be implemented on a project-by-project basis.

We also recommend implementing all feasible control measures for fugitive dust emissions from grading and construction. The District does not typically require quantification of construction emissions associated with construction activities, but instead bases its threshold of significance for fugitive dust on implementation of all feasible control measures listed in Table 2 of the *BAAQMD CEQA Guidelines: Assessing the Air Quality Impacts of Projects and Plans (1999)*. Further, the kinds of construction equipment commonly used in development projects are primarily diesel-powered, and with continuous use, can lead to significant diesel particulate matter emissions. The California Air Resources Board (ARB) has identified diesel engine particulate matter as a toxic air contaminant and known carcinogen. We recommend,

whenever feasible, implementation of additional measures to reduce combustion emissions from construction equipment – particularly diesel emissions. Such measures could include but are not limited to: maintaining properly tuned engines, minimizing the idling time of diesel powered construction equipment, and using alternative fueled construction equipment or add-on control devices such as particulate traps.

If you do not already have a copy of our *BAAQMD CEQA Guidelines*, we recommend that you obtain a copy by calling our Public Information Division at (415) 749-4900 or downloading the online version from the District's web site at <http://www.baaqmd.gov/pln/ceqa/index.asp>. If you have any questions regarding these comments, please contact Doug Kolozsvari, Environmental Planner, at (415) 749-4602.

Sincerely,


for Jean Roggenkamp
Deputy Air Pollution Control Officer

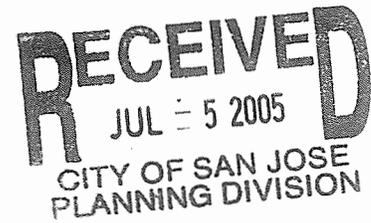
JR:DK

cc: BAAQMD Director Erin Garner
BAAQMD Director Liz Kniss
BAAQMD Director Patrick Kwok
BAAQMD Director Julia Miller



PROTECTING OPEN SPACE AND PROMOTING LIVABLE COMMUNITIES

1922 The Alameda, Suite 213 San Jose, CA 95126
408.983.0856 www.greenbelt.org



July 1, 2005

By Email, Facsimile and US Postal Service Mail

Attn. Darryl Boyd, Principal Planner
Department of Planning, Building and Code Enforcement
City of San Jose
801 North 1st Street, Room 400
San Jose, CA 95110

RE: Initial Study/ Notice of Preparation of a Draft Environmental Impact
Report (DEIR) for the proposed Coyote Valley Specific Plan

Mr. Boyd:

The following comments on the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the proposed Coyote Valley project (proposed project) are submitted on behalf of Greenbelt Alliance. We support the City's requirement that an EIR be prepared and appreciate this opportunity to comment on the scope and content of the EIR.

BACKGROUND OF PROPOSED PROJECT AND PROJECT DEIR

Project Description

The project includes adoption of the Coyote Valley Specific Plan (CVSP), rezoning and annexation of more than 2,000 acres of primarily rural unincorporated land. The project may also include General Plan amendments, subdivision map approvals, development agreements, formation of assessment districts, a project phasing plan, CVSP area design guidelines and a CVSP area zoning code. The City of San Jose (City) anticipates that development in the CVSP area will include 25,000 housing units and 50,000 industry-driving jobs. There will be workplace, residential, retail and mixed-use development in addition to a 50-acre man-made lake, an internal transit system, a new road network and up to seven elementary schools, two middle schools and one high school. Coyote Valley is made up of three distinct areas, the North Coyote Industrial Area, the Coyote Valley Urban Reserve and the Coyote Valley Greenbelt, that together total over 7,000 acres of primarily undeveloped agricultural land.

SCOPE OF THE EIR

We offer the following comments on the scope of the DEIR for the proposed Coyote Valley Specific Plan.

Loss of Prime Agricultural Land

The DEIR must address the project's potentially significant impacts on prime agricultural land. The project proposes the loss of as much as 3,500 acres of farmland. This loss of farmland would have significant impacts on the South Coyote Valley greenbelt, surrounding hillsides and farmland in South Santa Clara County. The project must not be approved absent a reasonable and enforceable mitigation program to preserve regional aesthetic and agricultural resources.

Urban Design

The DEIR must address potentially significant impacts on air quality, traffic, and water quality caused by the proposed urban design in the CVSP area. The City states that the CVSP area is intended to be a self-sustaining, transit-oriented community based on smart growth principles. However, the proposed urban design of the CVSP area would foster an auto-dependent community with associated significant traffic, air quality, and water quality problems since the proposed road network emphasizes a disconnected street pattern over clustered, mixed-use, pedestrian-oriented development. The emphasis on suburban-style roadways virtually guarantees that CVSP area workers and residents will travel almost exclusively by car. Auto-dependence will not only cause traffic congestion and smog, but also lead to more paved surfaces and increased run-off to threaten the water quality in Fisher Creek.

The DEIR must analyze the potentially significant impacts of the proposed road system in the CVSP area. The proposed project does not make efficient use of existing infrastructure, as the proposed CVSP requires that portions of the existing road system be demolished and replaced. To pay the unnecessarily high infrastructure costs, the City would have to seek development impact fees from large-scale projects composed primarily of fast-selling, high-profit housing products such as single-family detached dwellings. As currently proposed, the CVSP increases the probability of development in a series of leap-frogging subdivisions that are neither transit-oriented nor pedestrian friendly.

The DEIR must analyze and compare the proposed road network to a more traditional grid system as set forth in Greenbelt Alliance's vision statement, *Getting It Right*, submitted with these comments as a project alternative to be considered in preparation of the DEIR. Not only does a traditional grid system allow for the urban form to grow from the existing grid of roads, thereby requiring significantly less environmental disturbance from the demolition and reconstruction of the road network, but it is also more pedestrian and bicycle friendly. The DEIR must identify the length and width of proposed blocks and streets and analyze whether the proposed street design encourages walking and bicycling and discourages auto-dependency. Blocks should be less than three acres, since people find it more inviting to walk at this scale, and streets should be narrow. The proposed project shows many winding roadways and long blocks which is more typical of suburban style planning that de-emphasizes pedestrian movement.

The DEIR must analyze the potentially significant direct and indirect impacts of lower density development, especially the impacts on the Coyote Creek Parkway. The DEIR should discuss the average densities of both the proposed project and the project alternative presented in *Getting It Right*. The proposed project has an average density of 18 units to the acre. *Getting It Right* demonstrates that if development has an average density of 28.5 units to the acre, then the City can meet its development targets without approving development east of Monterey Highway and the area can instead be preserved as farmland or in other open space uses. Protecting this land as open space will have a substantial positive environmental benefit for the Coyote Creek Parkway.

Otherwise, development will occur very close to Coyote Creek, increasing urban run-off and the risk of downstream flooding.

Additionally, the DEIR must analyze the location of the proposed artificial lake and its impact on travel patterns. The proposed location of the man-made lake, at the intersection of Bailey Avenue and the major north-south travel route, Santa Teresa Boulevard, impedes orderly urban design. Re-routing travel through the urban core to accommodate a man-made lake would cause traffic congestion on major thoroughfares and force more cars onto Highway 101. The proposed lake is also a physical barrier between Highway 101 and the job centers on the west side of Coyote Valley. This barrier would encourage increased travel into Coyote Valley via Almaden Valley, thus spurring pressure to expand the two-lane road and to develop Almaden Valley. The DEIR must study the possibility of locating the flood management facilities outside of downtown so that they do not interfere with the evolution of an orderly, easily accessible urban form. Also, the DEIR must analyze alternatives to the man-made lake, such as the Fisher Creek floodplain (discussed below in the 'Flood Management' section and in *Getting It Right*).

Flood Management

Development of the CVSP area will substantially increase run-off and the risk of flooding, therefore the DEIR must identify a significant amount of floodwater retention capacity in Coyote Valley. However, a downtown lake is not the only way to accommodate this need and the DEIR must discuss other technically feasible options as well. The DEIR must look at the potentially significant impacts of filling in portions of Laguna Seca at the northern end of Coyote Valley and excavating a new lakebed in the proposed downtown. This proposed means of floodwater retention is unnecessarily expensive and inconsistent with natural hydrological patterns. In particular, the DEIR must analyze using the Fisher Creek floodplain for retention as outlined in *Getting It Right*. The Fisher Creek floodplain alternative is more sustainable and integrated with Coyote Valley's natural hydrological and ecological systems than the construction of an artificial lake at the urban core. The actual size of the floodplain must be determined, but its potential advantages may make it a reasonable, technically and economically preferable alternative requiring discussion in the DEIR.

The Fisher Creek floodplain would be multi-functional. When the land is dry, passive recreation activities such as jogging and bicycling could be accommodated, and native plants would provide valuable habitat for wildlife. With regard to the floodwater retention function, the DEIR must study the ability of the floodplain to serve the same function as the lake, without the costly commitment of keeping it filled year round. The DEIR must also look at how the floodplain complements Laguna Seca at the northern end of the planning area, which is farmed in the dry season and allowed to flood in the rainy season. This natural pattern should continue.

Internal Transit

The DEIR must analyze how the proposed urban design, with its winding street pattern and disconnected neighborhoods, supports the internal transit system. A winding, disjointed street pattern would increase the operating costs of the proposed fixed guideway transit system, significantly extend travel times, and increase the likelihood that transit service would be infrequent, unpopular, and not a viable alternative to driving. The DEIR must analyze and compare the internal transit system on the proposed road network to the same system on a traditional grid system as outlined in *Getting It Right*.

The fixed guideway in the proposed project provides connections within Coyote Valley and to a proposed Caltrain station, which would be located near Monterey Road close to downtown. CalTrain would provide the sole transit connection in and out of Coyote Valley and may not meet the needs of a wider population. CalTrain has proposed service reductions and it is probable that service south of San Jose will be discontinued in the future. The DEIR must discuss the potentially significant impacts on traffic and air quality if CalTrain is not a viable transit connection to Coyote Valley, leaving residents, workers, and visitors with no other option than to drive. Additionally, the DEIR must analyze the potentially significant impacts of the proposed artificial lake on the existing VTA regional bus route along Santa Teresa Boulevard. The proposed lake would effectively eliminate north-south bus service in the region.

The DEIR must study an alternative to the proposed fixed guideway system that provides residents, workers, and visitors with additional connections in and out of Coyote Valley. In *Getting It Right*, Greenbelt Alliance proposes a transit system that includes neighborhood bus loops that connect to the proposed CalTrain station and to a Bus Rapid Transit (BRT) line along Santa Teresa Boulevard. BRT would connect to VTA's light rail system, providing an additional connection out of Coyote Valley and increasing the probability that people will use public transit for such trips.

The project alternative proposed in *Getting It Right* includes three main components addressing the potentially significant air quality, traffic, and water quality impacts of the proposed project: (1) the traditional grid system; (2) the Fisher Creek floodplain; and (3) the BRT/bus loop transit system. These three components complement each other. For example, the BRT/bus loop transit system would be able to efficiently travel along a traditional grid system, reducing travel times and making it more feasible to provide frequent service. The Fisher Creek floodplain would replace the proposed lake, making Santa Teresa Boulevard more easily accessible to BRT and north-south traffic. This combination would decrease the amount of paved surface area within the CVSP area, provide a more pedestrian and bicycle friendly environment, create a more attractive and viable transit system, and decrease project impacts on air quality, traffic, and water quality.

Growth Inducing Impacts

The proposed project will have impacts that are individually limited but cumulatively considerable. The DEIR must analyze the proposed project's growth inducing impacts on the hillsides surrounding the CVSP area, Almaden Valley, the communities of South Santa Clara County (Morgan Hill, San Martin, Gilroy), and San Benito and Monterey counties. The development of a major job center at the southern edge of Silicon Valley may induce many people to commute up from communities such as Hollister, Los Banos and Salinas. The DEIR must analyze the effect of these added car trips on traffic and air quality. The proposed project will lead to increased pressure to expand smaller roads such as the two-lane road to Almaden Valley. Wider roads would then induce further development of the Almaden Valley.

Public Services and Utilities

At build-out, the proposed project would add 80,000 new residents to the area and substantially increase demand for public services, utilities and facilities. The DEIR must analyze the cumulative demand for these essential services. The project should include land set aside for two health clinics. In San Jose, there is a health clinic for every 40,000 residents, meaning that two additional clinics will be needed to accommodate residents in Coyote Valley. The DEIR must analyze the impact the proposed project would have on San Jose health clinics if none were

located in Coyote Valley.

The DEIR must analyze potentially significant impacts and cumulative impacts on the City's sanitary sewer system and on regional wastewater treatment and landfill capacity. It must also identify a source of water for the proposed project and analyze the direct and indirect impacts of providing natural gas and electrical service to the CVSP area.

The DEIR must compare current levels of service to potentially significant impacts and cumulative impacts on response times for emergency services. The DEIR must determine if the proposed project will result in a reduction of services currently provided to existing residents.

Biological Resources

The DEIR must include a detailed analysis of potentially significant impacts to biological resources prepared by a qualified, independent biologist with expertise in habitats and species found in this region. The DEIR must identify and quantify all sensitive habitats that could be impacted directly or indirectly by the proposed development. The DEIR must also address the potentially significant impact of development on wildlife habitats and endangered species outside of the CVSP area, such as Coyote Ridge, the Coyote Creek park chain and communities to the south.

The DEIR must address the need for a wildlife connection between the hills to the west (the Santa Cruz Mountain Range) and the hills to the east (Mount Hamilton Range). As urban development encroaches onto open space that animals use to migrate across the valley, interaction between wildlife and humans will increase. Increased interaction between wildlife and human beings increases the risk of harm to both.

Sustainability

The DEIR must also analyze the proposed project's incremental impacts on the formation of sustainable communities and the potential direct and indirect substantial adverse effects on human beings. The proposed project's \$1.6 billion price tag represents the cost of infrastructure improvements, but does not include the costs of affordable housing, health care facilities, childcare facilities, and other community services for low-income households. If costly amenities, such as the proposed lake and four-to-six lane thoroughfares, mean that housing and services are not provided for low-income households then the proposed project would create an environment with substantial adverse effects on human beings. The City proposes the creation of a self-sustaining community with a variety of jobs, including low-paid retail, non-profit, service, and maintenance jobs. If low-income households are unable to find affordable housing in Coyote Valley, they will be forced to find cheaper housing in distant communities. This will increase demand for development in these communities, lead to higher home prices, and perpetuate the vicious cycle of long commutes across sprawling low-density development in search of more affordable housing. The DEIR must analyze how the lack of affordable housing and community services in Coyote Valley will impact the environment throughout the region and cause substantial adverse effects on human beings.

Cumulative Analysis

The DEIR must consider the impact of the project combined with other related projects, including past, present and probable future projects. The DEIR must analyze cumulative impacts for all

environmental factors including, but not limited to: land use and planning; aesthetics, biological resources, hazards, public services, utilities/service systems, cultural resources, hydrology/water, noise, air quality, geology, population/housing, economic and social and transportation/circulation.

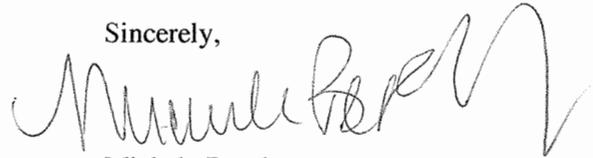
Alternatives

In addition to the No Project Alternative, Reduced Scale Alternative and Alternative Location, the DEIR must also evaluate a project alternative that might reasonably be assumed to reduce project impacts. One such alternative is Greenbelt Alliance's vision for Coyote Valley, *Getting It Right*. It can be reasonably assumed that *Getting It Right* will reduce significant impacts. An alternative that encompasses the traditional grid system, the Fisher Creek floodplain and the transit connections as outlined in *Getting It Right* must be considered in the DEIR. These three components complement each other, each providing significant environmental benefits that increase exponentially when all three elements are implemented.

Concluding Comments

Again, we appreciate being consulted on the scope of the work for the DEIR. Please keep us informed of any and all contracts, notices, hearings, staff reports, briefings, meetings and other matters related to the proposed project. We are pleased to respond to any questions you may have concerning our comments on the NOP.

Sincerely,



Michele Beasley
South Bay Field Representative
Greenbelt Alliance

FACSIMILE COVER SHEET

DEPARTMENT OF CONSERVATION
DIVISION OF LAND RESOURCE PROTECTION
801 K STREET, MS 18-01
SACRAMENTO, CA 95814-3528

RECEIVED
JUL 01 2005
CITY OF SAN JOSE
PLANNING DEPARTMENT

DATE: 07/01/05

TO: Darryl Boyd / SCH

FAX TO: _____

FROM: DOC / DLRP

Phone: (916) 324-0850
324-0859
Fax: (916) 327-3430
www.consrv.ca.gov/dlrp

Number of Pages (including cover): 06

MESSAGE: Coyote Valley specific project
SCH # 2005062017



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

June 30, 2005

VIA FACSIMILE (408) 277-3250

Darryl Boyd
San José Planning, Building and
Code Enforcement
801 North First Street, Room 400
San José, CA 95110-1795

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report
(DEIR) for the Coyote Valley Specific Plan Project **SCH# 2005062017**

Dear Mr. Boyd:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above NOP and has the following comments.

The project involves development of the Coyote Valley Specific Plan (SP) covering a 7,000-acre area south of the City of San José. The SP would provide for 50,000 jobs and 25,000 dwelling units within the specified areas. The SP also provides for permanent establishment of the Greenline/Urban Growth Boundary (greenbelt) between two portions of the SP area.

The NOP notes that implementation of the SP would result in the loss of Prime Farmland and Farmland of Statewide Importance and that the DEIR would address impacts associated with the loss of farmland and also identify feasible mitigation measures. Therefore, the Division recommends that the DEIR address the following items to provide a comprehensive discussion of potential impacts of the project on agricultural land and activities.

Mr. Darryl Eoyd
June 30, 2005
Page 2

Agricultural Setting of the Project

- Location and extent of Prime Farmland, Farmland of Statewide Importance, and other types of farmland in and adjacent to the project area.
- Current and past agricultural use of the project area. Include data on the types of crops grown, and crop yields and farmgate sales values.
- To help describe the full agricultural resource value of the soils on the site, we recommend the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. State and Federal agencies such as the UC Cooperative Extension Service and USDA are sources of economic multipliers.

Project Impacts on Agricultural Land

- Type, amount, and location of farmland conversion resulting directly from project implementation.
- Type, amount, and location of farmland conversion resulting indirectly from project implementation through growth inducement.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, etc.
- Incremental project impacts leading to cumulatively considerable impacts on agricultural land. This would include impacts from the proposed project as well as impacts from past, current and probable future projects.

Impacts on agricultural resources may also be quantified and qualified by use of established thresholds of significance (California Code of Regulations Section 15064.7). The Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model, a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available on the Division's website listed on page 4.

Williamson Act Lands

A project is deemed to be of statewide, regional or area-wide significance if it will result in cancellation of a Williamson Act contract for a parcel of 100 or more acres [California Code of Regulations Section 15206(b)(3)]. If lands under Williamson Act contract exist on or adjacent to the project area, the

Mr. Darryl Boyd
June 30, 2005
Page 3

Department recommends that the following information be provided in the DEIR:

- A map detailing the location of agricultural preserves and contracted land within each preserve. The DEIR should also tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project.
- A discussion of Williamson Act contracts that may be terminated as part of SP implementation. The DEIR should discuss the impacts that termination of Williamson Act contracts would have on nearby properties also under contract; i.e., growth-inducing impacts (in the sense that the removal of contract protection not only lifts a barrier to development, but results in higher property taxes, and thus, an incentive to shift to a more intensive land use, such as urban development.)

As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for "extraordinary", unforeseen situations (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). The City or County of jurisdiction must approve a request for contract cancellation, and base that approval on specific findings that are supported by substantial evidence (Government Code Section 51282). If Williamson Act contract cancellation is proposed, we recommend that a discussion of the findings be included in the DEIR. Finally, the notice of the hearing to approve the tentative cancellation, and a copy of the landowner's petition, must be mailed to the Director of the Department of Conservation ten (10) working days prior to the hearing. (The notice should be mailed to Debbie Sareeram, Interim Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01, Sacramento, CA 95814-3528.)

- An agricultural preserve is a zone authorized by the Williamson Act, and established by the local government, to designate land qualified to be placed under the Act's 10-year contracts. Preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use. Uses of agricultural preserve land must be restricted by zoning or other means so as not to be incompatible with the agricultural use of contracted land within the preserve (Government Code Section 51230). Therefore, the DEIR should also discuss any proposed general plan designation or zoning changes within agricultural preserves affected by the project.

Mr. Darryl Boyd
June 30, 2005
Page 4

- The Williamson Act (Government Code Section 51243) requires cities annexing land under Williamson Act contract to succeed to all rights, duties and powers of the county under the contract unless conditions in Section 51243.5 apply to give the city the option to not succeed to the contract. A Local Agency Formation Commission (LAFCC) must notify the Department within 10 days of a city's proposal to annex land under contract (Government Code Section 56753.5). A LAFCC must not approve a change to a sphere of influence or annexation of contracted land to a city unless specified conditions apply (Government Code Sections 51296.3, 56426, 56426.5, 56749 and 56856.5).

Project Alternatives and Mitigation Measures

Feasible alternatives to the project's location or configuration that would lessen or avoid farmland conversion impacts should be considered in the environmental document. If there are no feasible project alternatives to avoid impacts on agricultural land, then mitigation measures should be considered.

One mitigation measure that should be considered is the purchase of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land, as well as for the mitigation of growth-inducing and cumulative impacts on agricultural land. We highlight this measure because of its growing acceptance and use by lead agencies as mitigation under the California Environmental Quality Act.

Mitigation using conservation easements can be implemented by at least two alternative approaches: the outright purchase of conservation easements tied to the project, or via the donation of mitigation fees to a local, regional or statewide organization or agency, including land trusts and conservancies, whose purpose includes the purchase, holding and maintenance of agricultural conservation easements. Whatever the approach, the conversion of agricultural land should be deemed an impact of at least regional significance and the search for mitigation lands conducted regionally, and not limited strictly to lands within the San José area.

Information about conservation easements is available on the Division's website, or by contacting the Division at the address and phone number listed below. The Department's website address is:

<http://www.conservation.ca.gov/DLRP/>

Mr. Darryl Boyd
June 30, 2005
Page 5

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Thank you for the opportunity to comment on the NOP. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0850.

Sincerely,



Dennis J. O'Bryant
Acting Assistant Director

cc: Guadalupe-Coyote RCD
888 North First Street, #204
San José, CA 95112



GREAT OAKS WATER COMPANY

FAX COVER SHEET

P. O. BOX 23490
SAN JOSE, CA 95153
(408) 227-9540

Date 7-1-05

Time 7:30 AM

To Name: Darrin Boyd

Company: Dept Planning

City: San Jose

Fax #: 408 2773250

From: Great Oaks Water Co
Alan Gardner

Action to be Taken:

- Per your Request
- For Your Information
- Use as Requested
- For Your Coordination
- Approval
- Review & Comment
- Not Approved
- For Your File

Number of Pages Including This Cover Sheet: 4

Message: Great Oaks comments
on scope of Coyote EIR

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JUL 5 2005
CITY OF SAN JOSE
PLANNING DIVISION

GREAT OAKS WATER COMPANY

P. O. Box 23490
San Jose, California 95153
(408) 227-9540

June 30, 2005

Served by email, fax and regular mail

City of San Jose
Department of Planning
Attention: Stephen Haase, Director
stephen.haase@sanjoseca.gov
801 North First Street, Room 400
San Jose, CA 95110

Re: City's Request for Scoping Issues for EIR concerning Coyote Valley CEQA

Dear Director Haase:

Great Oaks Water Company has service territory, current customers and production wells in the Coyote Valley. The Company has public safety and reliability concerns from some of the potential development ideas that have been expressed for Coyote Valley. The Company believes that an adequate CEQA review **MUST** include solid reliable **NON-SPECULATIVE** answers to the following concerns. Please note that from our review over the last year of the prior CEQA records that the City has compiled for all prior projects of any size related to development in the Coyote Valley, the type of review and analysis the Company is recommending the EIR address has not been previously done, or has certainly not been done for a project of this size, scope and impact.

The plan includes a lake or pond of recycled water and other use of recycled water in the Coyote Valley and the extension of City water service into private water company territory and outside of existing City limits.

1. Study the impacts and costs of public and private utility relocations caused by locating the proposed pond at Bailey and Santa Teresa.
2. Consider and study the impacts and possible mitigation of moving the pond near the Metcalf Energy Center or some other location.

3. Study the proposed uses of recycled water in the Valley. Examine what quality of recycled water will be recommended for each use. Examine how and where the recycled water will be treated above Title 22 recycled water. Examine how the water will be transported and the potential impacts within the Valley. Examine and determine the potential impacts of recycled water on Fisher Creek and Coyote Creek. Include a full assessment of the use of natural resources consumed in the building of the infrastructure for recycled water distribution and operation of the pumps and pipes.

4. Perform a complete and comprehensive study of ground water hydrology in Coyote Valley to determine potential impacts of recycled water on critical drinking water aquifers. As part of the study, collate the ground water records for the Valley, demonstrating the depth of the ground water from the time records were kept to date from the north end of the Valley down through the Greenbelt. Show the depth at various times during the year. As part of the study, determine the variation in permeability of the ground throughout the proposed development area and how quickly will something placed on the ground, be it recycled water, motor oil, gasoline, construction waste, lawn and garden fertilizer and poisons, etc. get into the ground water and be drawn down into the wells used to provide drinking water, or enter the ground water flow to Coyote Creek and the Santa Clara sub-basin. As part of the study determine the demand for water for the Coyote Valley using realistic comparisons with similar water systems. Determine the sustainable extraction and recharge rates for ground water, including all ground water recharge methods. As part of that study examine the extent of potential damage that may be caused by recycled water to this critical ground water resource. Testing should be done to determine and benchmark existing background levels of contamination as part of the study.

5. Given the high ground water from the mid to north end of the Valley, study the impacts on construction, including underground parking and high rise building footings and below ground building levels. Conversely, study the potential impacts on the ground water from construction materials and the near term construction and long term existence of these structures in this critical ground water basin. Consider as part of the analysis the no project option.

6. The EIR should examine the advantages and impacts of developing the poor farm land in the south Valley, rather than the excellent farmland in the mid and north Valley.

7. Examine alternative sites for the drainage retention pond that would not have the adverse impacts of the proposed site.

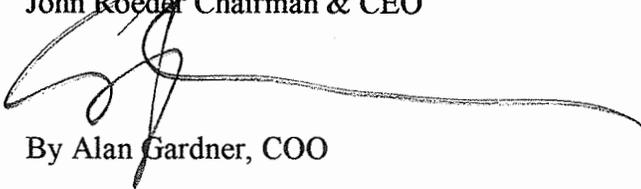
8. Study and explain the alternate methods of lining the lake or pond. Include, for example, analysis of the amount of recycled water to be held, whether the type of containment proposed has been used on a project of this size before, whether the type of containment proposed has been used on a project of this size where

surrounding ground water is potable, a critical drinking water resource, and near or at the surface for large parts of the year, whether the containment ever leaked into the adjacent ground and the impact on the surrounding potable water; whether it has been used in an earthquake zone *and survived a major quake* and if not the impacts on ground water and surrounding drainage and the impact on fish and wildlife.

9. The EIR should include an analysis of resource waste by the City and the cost impact, by having the City operate a potable water system in an area where a private water company has existing facilities and will continue to serve within and outside of the City's limits. The analysis should include the impact of additional costs to the City or SCVWD of damage awards for inverse condemnation for any interference with private water company operations. The analysis should include a comparison of the additional costs to property owners and developers of the City system, since private companies self fund or repay land owners or developers for construction fees advanced.

Respectfully submitted,

Great Oaks Water Co.
John Roeder Chairman & CEO

A handwritten signature in black ink, appearing to be 'Alan Gardner', is written over a horizontal line. The signature is stylized and cursive.

By Alan Gardner, COO

cc Sal Yakubu, Dept. of Planning
salifu.yakabu@sanjoseca.gov
Darryl Boyd, Dept. of Planning
darryl.boyd@sanjoseca.gov

Mena, Michael

From: Boyd, Darryl
Sent: Wednesday, July 06, 2005 10:14 AM
To: Jodi Starbird (E-mail); Mena, Michael
Cc: Yakubu, Salifu
Subject: FW: Response to CVSP NOP



Boyd.pdf



NOP Comments.doc



M042605spCC
Coyote Valley Spec..

Darryl D. Boyd, AICP
Principal Planner
City of San Jose, CA
Dept. of Planning, Building & Code Enforcement
Voice - (408) 277-8513; Main (408) 277-4576
email: darryl.boyd@sanjoseca.gov

> NOTE OUR NEW ADDRESS as of August 22, 2005:
> City of San Jose
> 200 East Santa Clara Street
> San Jose, CA 95113-1905
>

-----Original Message-----

From: David Bischoff [mailto:David.Bischoff@morganhill.ca.gov]
Sent: Tuesday, July 05, 2005 3:17 PM
To: Darryl.Boyd@sanjoseca.gov
Subject: Response to CVSP NOP

Hi Darryl:

Attached is Morgan Hill's response to the CVSP NOP. The response is contained in three documents. The pdf is the cover letter, the NOP Comments contains the comments, and the M042605... is a copy of the minutes of the meeting you, Joe, Forrest, et. al. attended. The response has also been faxed to you and will be followed by a hard copy. Please let me know if you have any questions about our comments. Thanks for your help, Darryl.

David Bischoff

SENT BY FACSIMILE AND U. S. MAIL

July 5, 2005

Darryl Boyd, AICP
Principal Planner
City of San Jose
801 North First Street, Room 400
San Jose, CA 95110-1795

Dear Mr. Boyd:

Enclosed are the City of Morgan Hill's comments regarding the Notice of Preparation for the Environmental Impact Report for the Coyote Valley Specific Plan. We appreciate the opportunity to provide these comments and look forward to working with San Jose to share information about the Plan's impacts in advance of the release of the Draft EIR.

Should you have any questions about our comments, please contact David Bischoff at 408/778-9351 or David.Bischoff@morganhill.ca.gov.

Sincerely,

J. Edward Tewes
City Manager

Enclosures: Exhibit 1: April 26 Workshop Minutes

c w/enc.: Mayor and City Council
South County Stakeholder Agencies
Association of Bay Area Governments
Valley Transportation Agency
Santa Clara Valley Water District
California Air Resources Board

COMMENTS OF THE CITY OF MORGAN HILL ON NOTICE OF PREPARATION FOR THE DRAFT EIR FOR THE COYOTE VALLEY SPECIFIC PLAN PROJECT

I. INTRODUCTION

The City of Morgan Hill has been closely following the development of the Coyote Valley Specific Plan (“CVSP”). Morgan Hill does not oppose development in Coyote Valley and welcomes the opportunity to participate in the planning process. However, we are concerned about the impacts of development that will occur under that plan and how they will be mitigated. The Draft Environmental Impact Report (“Draft EIR”) for the CVSP provides the focus for the City of San Jose’s evaluations of the plan and we appreciate the opportunity to provide comment on the scope of the Draft EIR in response to the Notice of Preparation (“NOP”). We also look forward to working with San Jose to share information about the Plan’s impacts in advance of the release of the Draft EIR.

II. IT IS IMPORTANT THAT MORGAN HILL RECEIVE INFORMATION ABOUT THE IMPACTS OF CVSP AND ALTERNATIVES IN ADVANCE OF THE RELEASE OF THE DRAFT EIR.

A. San Jose Has Previously Committed to Providing Such Advance Information.

Because of the complexity of the planning process for CVSP and the enormity of its impacts, Morgan Hill has consistently sought to participate in the planning process. To aid our own evaluation of the CVSP impacts and ways to mitigate them, we have sought to obtain as much information as we could about the CVSP planning effort through our

cooperative participation in that process. Morgan Hill's ability to work collaboratively with San Jose depends on our timely receipt of that information.

We are pleased that San Jose recognizes the importance of sharing this information in the advance of the release of the Draft EIR. The commitments to this end made by San Jose at the Coyote Valley Specific Plan Workshop in Morgan Hill on April 26, 2005 (hereinafter "April 26 Workshop") and in other contexts will aid Morgan Hill in participating in the planning process.

These commitments are reflected, for example, in the Minutes of the April 26 Workshop, a copy of which is attached as Exhibit 1. At the Workshop, San Jose Council Member Forrest Williams emphasized San Jose's willingness to address Morgan Hill's concerns (p.9), and Deputy Director of Planning Joe Horwedel stated he would like to conduct focus topic sessions on transportation and other issues and that San Jose would investigate how best to provide that information (p. 12). Morgan Hill Mayor Dennis Kennedy confirmed at that meeting that stakeholders should be allowed to work with San Jose or its consultants to better understand some of the traffic assumptions, for example. (p. 12).

B. Morgan Hill Renews its Requests for Certain Information Not Previously Provided.

On August 13, 2004, Mayor Kennedy wrote San Jose's Mayor, Ron Gonzales, requesting information about some of the key issues of concern to Morgan Hill. In his response of December 17, 2004, Mayor Gonzales referred to some studies that had already been completed and a variety of studies that were to be prepared in early 2005. On February 21, 2005, Morgan Hill followed up that letter by requesting copies of some

of the studies and reports referred to in Mayor Gonzales' letter and other documents. The documents requested included:

- 1) The "preliminary model runs" referred to in Mayor Gonzales' letter as showing that "[t]he 80/20 split for trip generation assumed in the Cisco EIR is still valid" (p. 3); any accompanying documentation that reflects inputs to the model or reviews the results of the preliminary model runs; and any studies relating to his further statement in that letter that "there is a high level of trip internalization expected, given the amount of mixed use development anticipated in the plan." (p. 3).
- 2) Documents reflecting any further review or update of the issues analyzed in the Sedway Group study underlying the Coyote Valley Research Park EIR (also known as the Cisco EIR).
- 3) Documents dealing with the projected locations of the residences of persons anticipated to work in Coyote Valley, given the statement in Mayor Gonzales' letter that "[t]he potential housing pattern for future Coyote Valley employees will be analyzed again in early 2005." (p. 2).
- 4) Any other reports or memoranda reviewing or referring to the computer model used in the modeling of traffic impacts, the data or assumptions used in the model for purposes of projecting traffic generation and circulation resulting from the Specific Plan, the results of any other model runs performed to date (beyond that referred to by Mayor Gonzales) to determine the traffic impacts of the future development contemplated under the Specific Plan, and any description of the traffic impacts on existing roads from that development.
- 5) Any reports or memoranda that analyze or review what segments of existing roads are proposed for expansion or reconfiguration to accommodate the development contemplated by the Plan or to mitigate its traffic impacts, the level of expansion or the nature of any reconfiguration proposed for each such segment, the timing of these improvements, and the amount of funding (and sources thereof) that will be required to pay for the these improvements.
- 6) Any reports or memoranda reviewing the availability of water to serve the development, population and amenities contemplated by the Specific Plan, including the amount of water needed and the sources of that water.
- 7) Other studies or analyses which Mayor Gonzales' letter stated would be completed in "early 2005," including the strategy for school site acquisition and school facility financing, and the impacts to County parks and mitigation therefor ("early to mid 2005").

San Jose responded to Morgan Hill's request in a letter dated March 7, 2005, from Renee Gurza, Sr. Deputy City Attorney for San Jose, to David Bischoff. In the letter, San Jose provided certain documents responsive to request (1), but stated that it did not have any documents responsive to requests (2) through (7) above. At the April 26th Workshop, Mayor Kennedy stated that he had still not received answers to some of his questions. (p. 9). Accordingly, Morgan Hill renews its request for copies of the documents in requests (2) through (7) above when they are generated.

III. GENERAL COMMENTS ABOUT THE SCOPE OF THE EIR.

A. The Baseline

CEQA Guideline § 15125 establishes the existing "physical environmental conditions in the vicinity of the project" as the "baseline" for review of the environmental impacts of the project. Subdivision (a) states that "this environmental setting will normally constitute the physical baseline conditions" used to determine whether an impact is significant. In turn, Guideline § 15126.2(a) states that "in assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions on the affected area as they exist at the time the notice of preparation is published."

In the case of the CVSP, the NOP notes that 6.6 million square feet of development with approximately 20,000 jobs were contemplated under the Development Agreement approved in 2001 for the Coyote Valley Research Park. (p. 2). The NOP states that "these existing entitlements" were "set aside" during the planning process to allow jobs to be spread across the larger development area. (p.7). Therefore, we assume that the development proposed for Coyote Valley Research Park will not be treated as

part of the baseline for the evaluation of CVSP's impacts. We believe that this is the correct approach – i.e., only the existing physical conditions can be treated as part of the baseline.

At the April 26 Workshop, San Jose stated that under the Draft EIR's no project alternative, the number of jobs would still be based on the approval of the Cisco development. (p.2). While this treatment is appropriate for one "no project" scenario, that alternative must also be evaluated from the perspective of the development and jobs existing at the time the NOP was issued, without any assumption of further development. Section 15126.6(e)(2) of the CEQA Guidelines provides that "[t]he 'no project' analysis shall discuss the existing conditions at the time the notice of preparation is published, ... as well as what would be reasonably expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services." *See also Environmental Planning and Information Council v. County of El Dorado*, 131 Cal.App.3d 350 (1982).

Finally, if the Draft EIR will rely to any extent on the evaluations done in the EIR on the Coyote Valley Research Park, the Draft EIR should describe the extent of that reliance.

B. The Project Description

A complete description of the project is the essential starting point for an EIR. The discussion appended to CEQA Guideline § 15124 emphasizes that the project description is the only way for the CEQA analysis "to make sense," and the courts have attached great importance to the accuracy and completeness of the project description. As the court stated in *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 192-3

(1977): “Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance.” Accordingly, Morgan Hill submits that it is important that the Draft EIR on the CVSP contain a complete and accurate description of the project.

1. The Scope and Nature of the Development Contemplated under the CVSP must be Accurately and Consistently Stated.

It is important that the scope and nature of the development contemplated by the CVSP be fully and accurately set forth as part of the Project Description in the Draft EIR. In that regard, we note that there are some unexplained discrepancies between the description of the project in the final NOP and other documents. *First*, there is a potential discrepancy between the narrative project description and the Conceptual Land Use Plan. The draft Conceptual Plan submitted to the San Jose City Council in January would accommodate approximately 58,800 Workplace and Mixed Use jobs. The NOP narrative indicates the Plan will accommodate approximately 50,000 jobs. It is unclear if the Conceptual Plan has been modified to reduce the acreage for employment or if the narrative assumes an employment number which is less than full buildout. It is important the Conceptual Land Use Plan and the narrative description of it be consistent and represent full buildout of the Plan.

Second, there were also some potentially significant changes made in the final Notice of Preparation as compared with the draft circulated only a few days earlier. The most notable of these is that (1) the size of the CVSP "community" was changed from 85,000 people in the draft to 70-80,000 in the final, (2) the final added an estimate that

the assumed mix of different types of residential development results in 2.6 persons per household, (3) the final deleted the statement that the 50,000 jobs "equates to 15 million square feet" of industrial/office/R&D development, and (4) the final changed the estimate of retail development from 2.3 million square feet in the draft to 1.5 million. Morgan Hill is puzzled by these changes. We request an explanation of why these changes were made and what, if any, revisions in the proposed CVSP or studies related thereto, prompted the changes in the NOP.

Finally, Figure 5 of the NOP, the Circulation Diagram, shows the location of major streets and transit in Coyote Valley, but it does not indicate the level of improvements proposed for those streets. For example, Monterey Road and Santa Teresa Boulevard are shown as major roadways but the number of lanes proposed for them is not listed. These kinds of details are important and must be included in the project analyzed in the Draft EIR.

2. All of the Discretionary Actions Which May be Considered in Approving the Project Must be Evaluated in the EIR.

While the Draft EIR's analysis of impacts and their mitigation should properly be focused on the development that is anticipated under the CVSP, this analysis must also be done in light of the specific provisions of the proposed draft of the CVSP itself and any other documents that will be approved along with the CVSP and are intended to be supported by this EIR. The NOP identifies a number of "discretionary actions" which "may" be included in the CVSP. All of these appear to be part of the "project" as it must be defined for purposes of CEQA.

The EIR should more specifically identify these documents. The entire project proposed for approval (and not some smaller aspect of it) must be described and

evaluated in the Draft EIR. *See City of Santee v. County of San Diego*, 214 Cal.App.3d 1438, 1450 (1989).

For example, the NOP refers to changes to “existing Development Agreements” without specifically identifying those development agreements. It was also stated at the April 26 Workshop that the EIR will not address development agreements. (p. 12). This omission is appropriate to the extent that specific developments have not been proposed to implement the plan, but any revisions to existing development agreements (e.g., the Coyote Valley Research Park development agreement) that are inherent in the CVSP must be specifically addressed as part of the Draft EIR, as well as any parameters that will control the negotiation of future development agreements.

The Draft EIR must make clear which of the elements identified will be proposed for the City Council’s approval as part of the project – or, specifically identify any that will be subject to later preparation and review after the City Council has acted on the CVSP.

3. The Different Elements Must be In Specific, Detailed Final Form.

Some of the statements made by San Jose representatives at the April 26 Workshop implied that the plan proposed for adoption by the City Council may not be completed until after the issuance of the Draft EIR. Among other things, the Deputy Planning Director stated that “[p]lanning staff and consultants will be working on the plan over the next year to make it ready for the San Jose City Council to adopt.” (p. 4). The items mentioned requiring further review included the “financing process of the plan,” the “phasing of improvements,” and planning relating to the Greenbelt. *Id.* The

Deputy Planning Director said that the plan document “will evolve and will have a life of its own.” (p. 5).

However, it is necessary that each of the elements that will be part of the project be embodied in complete, proposed drafts at the time that the Draft EIR is issued so that the Draft EIR’s analysis can be specifically tailored to the particular terms of these documents and the public will have an opportunity to review the actions which will be specifically controlled by these documents.

4. San Jose’s Commitment to the Infrastructure Improvements which Could Serve to Mitigate Impacts Must be Made Clear.

There are many public infrastructure improvements mentioned in the NOP. The total cost of the infrastructure for the CVSP was estimated at that April 26 Workshop to exceed a billion dollars (p. 3), and the Deputy Planning Director stated that the City Council needs to determine how much of this, including possible widening of Highway 101, should be included for implementation in the CVSP. (p. 7). It is imperative that all impacts of the CVSP be fully mitigated, or the project scaled back to avoid such impacts. The regional welfare must be appropriately considered. To the extent that it is uncertain whether any of those will in fact be implemented as buildout occurs under the CVSP, they should be so identified in the EIR so that potentially unmitigated significant impacts are fully evaluated as such.

5. The Greenbelt Strategy Must Be More Specifically Defined.

The “conceptual Greenbelt Strategy” is only vaguely described. The EIR must specifically identify the elements of this strategy, and evaluate their effectiveness in achieving the protection of the “rural environment” identified as the strategy’s goal.

C. The Draft EIR Must make Clear in What Respects the CVSP is Covered by a Program EIR versus a Project EIR.

The EIR must carefully distinguish between those elements of the CVSP for which it serves as a project specific EIR and those elements for which it serves as a program EIR, making clear what elements will require later, supplemental review under CEQA.

D. The San Jose City Council's Vision Statement Cannot Constrain the Analysis in the EIR and Should be Subject to Reconsideration by the City Council in Light of the EIR.

The NOP's reference to the City Council's Vision Statement leaves open the question of whether the guiding principles in that document are subject to reconsideration by the City Council and whether they will in any respect constrain the analysis in the EIR. CEQA requires that no advance decisions be made about the project that curtail the scope of the analysis in the EIR, and any guidance provided in advance by the decisionmakers must be open to reconsideration in light of its consideration of the Final EIR.

We assume that San Jose will be following this approach in the EIR. At the April 26 Workshop, San Jose confirmed that after the issuance of the EIR, the City Council would "need to decide whether they want to hold to the original plan or look at a different project alternative model." (p. 3). The status of the Vision Statement should be clarified in the EIR.

E. The Draft EIR's Use by Other Agencies Should be Identified.

If the EIR will be used by other agencies, either as "Responsible Agencies" or in some other capacity, it should identify those agencies and state the context for their use of

the EIR. CEQA Guideline § 15096 contemplates that the EIR will also serve as the environmental review document for all “Responsible Agencies.”

IV. THE TRAFFIC IMPACTS OF THE PROJECT

A. The 80/20 Split

There was considerable discussion of the 80/20 split at the April 26 Workshop. The San Jose Deputy Planning Director indicated that the 80/20 split is “very close” after reviewing the general plans of the number of homes to be constructed in surrounding cities (p. 6), and that he did not expect the 80/20 split to change (p. 9). In response to Morgan Hill’s concerns that lower housing prices to the south would attract more CVSP workers and that this demand would in turn encourage more residential development to the south, San Jose responded that CEQA requires San Jose “to look at existing adopted general plans for other communities.” (p. 11).

Morgan Hill respectfully disagrees.

CEQA requires that the Draft EIR consider whatever factors will provide the most reasonable estimate of where CVSP workers are likely to live for purposes of judging traffic impacts. Nothing in CEQA or environmental jurisprudence limits San Jose to acceptance of the housing projections in the General Plans of other jurisdictions or requires it to ignore the obvious influence of lower housing prices. *See, e.g.,* Kostka & Zischke, *Practice Under the California Environmental Quality Act* § 20.3 (CEB 2003) (“If an EIR bases its cumulative impact analyses on general plan projections, it should explain why the projections are a realistic predictor of related impacts.”); *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692 (1990).

It was Morgan Hill's understanding at the conclusion of the April 26 Workshop, that one of the "action items" agreed to was that San Jose staff would reexamine the 80/20 split. In this regard, it is important that all variables – including the attraction of lower housing prices – be considered.

Conversely, the impact of CVSP on housing prices to the south, including Morgan Hill, is also important to consider. While CEQA may not require consideration of the impact on housing prices *per se* (as a socio-economic impact), it does require the consideration of such impacts when they will lead to other physical impacts on the environment. Because housing prices to the south will initially affect the number of CVSP workers who seek to live there and their attraction to the area will in turn affect demand for that housing, the impact on housing prices must be evaluated as part of the study of traffic impacts over the long term of the CVSP.

At the April 26 Workshop, San Jose representatives indicated that an economic analysis was being conducted, but said it would not necessarily be part of the EIR and would not necessarily examine the plan's impact on housing prices in Morgan Hill. (p. 9). Morgan Hill urges San Jose to reconsider these positions and commit to undertaking this analysis as part of the Draft EIR.

B. Traffic Counts

All traffic counts used in the analysis for Morgan Hill roadways should be less than one year old from the time of the NOP and should be conducted with schools in session. San Jose should not use counts conducted earlier than September 2004, since they do not account for the opening of Sobrato High School or the charter school at Monterey Rd. and Bailey Rd.

C. Documents, Assumptions, and Data to be Reviewed

The traffic analysis for the proposed project will be one of the most complex ever performed in Santa Clara County given that the project is a new town the size of Mountain View located in an area with extremely limited vehicle access (i.e., the area is served by only one freeway and two arterial roadways). Due to the complexity, Morgan Hill will need to review all of the technical assumptions well in advance of the publication of the Draft EIR since these are the fundamental elements of the analysis. The 45-day review period will not provide sufficient time to adequately review all the technical studies.

Specific technical elements/studies that should be reviewed are as follows:

1. Final Workscope.

The City of San Jose prepares a final workscope for all transportation studies. This document should be provided to Morgan Hill staff for review to ensure that all potentially affected facilities will be addressed in the EIR. The scope review will also help to expedite the review of the Draft EIR once it is available.

2. Trip Generation.

The method of estimating the number of trips should be clearly delineated including the size and justification for any reductions for internalization, trip reduction strategies and measures, internal/external transit use, etc. Trip generation information from comparably sized cities with somewhat similar land uses should be provided to support the estimated number of external vehicle trips.

3. Trip Distribution

The method of distributing project trips should be defined and supporting information should be provided. If the Valley Transportation Authority (“VTA”) or City of San Jose model is used, Morgan Hill would like to review the loaded network and land use files to examine the information as it relates to Morgan Hill (see paragraph “4” below). As noted above, previous studies have used an 80/20 north-south split for traffic accessing the site. Under this assumption, the vast majority of trips would be generated in northern Santa Clara County. However, the fact that less expensive housing is available to the south in communities in Monterey and San Benito Counties will have a direct effect on the project trip distribution. Economic studies and other data should be provided to support the north-south split estimated by the travel demand models.

4. Model Files

Based on earlier analyses, the VTA or City model will be used to estimate trip generation and/or distribution, as well as to estimate future background/cumulative traffic volumes. If the VTA or City of San Jose model is used, Morgan Hill requests copies of the loaded network files and land use files used for this exercise. If the technical approach is similar to that of the recently approved North San Jose Development Policy EIR, any changes to land uses in other jurisdictions to balance trip productions and attractions should be specifically identified.

5. Transit Systems/Trip Reduction Measures

The project proposes to include an internal transit system, integration with VTA bus/light rail service, and a new Caltrain station. To allow trip reductions for transit use, the project will have to provide enough definition to determine which uses will be within

acceptable walking distances of stations/stops. Similarly, strategies and measures to reduce vehicle trips beyond the mixed-use components of the project must include enough specificity regarding implementation and the associated numeric level of reduction needs to be identified.

D. Study Locations

The magnitude of development and resulting traffic volumes will have a substantial and significant impact on the entire City of Morgan Hill. According to information from the August 9, 2004 memorandum from Mike Waller (Hexagon) to Salifu Yakubu (City of San Jose), the peak hour trip generation has been estimated at up to 40,000 trips, of which 28% will be internalized, resulting in 28,800 external trips. Even assuming an 80/20 split, the 20 percent would equal 5,760 trips which would approach and depart the site through Morgan Hill. Even at a 50/50 inbound/outbound split, this results in the need for at least one additional freeway lane in each direction on US 101, and likely two given the current poor operating level of US 101 through the central part of Morgan Hill. The VTA's 2004 Monitoring Report shows the three-lane section of northbound US 101 operating at LOS F in the AM peak hour.

The diversion of traffic from the congested freeway segments will affect all of the major travel corridors in Morgan Hill. Accordingly, the following intersections should be included in the EIR's transportation analysis:

- a. Hale Avenue/Tilton Avenue
- b. Monterey Road/Tilton Avenue
- c. Monterey Road/Burnett Avenue
- d. Monterey Road/Peebles Avenue
- e. Monterey Road/Madrone Parkway

- f. Monterey Road/Cochrane Road
- g. Cochrane Road/Butterfield Boulevard
- h. Cochrane Road/Madrone Parkway
- i. Cochrane Road/US 101 SB Ramps
- j. Cochrane Road/US 101 NB Ramps
- k. Cochrane road/DePaul Drive (Future Murphy Avenue Extension)
- l. Hale Avenue/Llagas Road
- m. Monterey Road/Old Monterey Road
- n. Hale Avenue/Wright Avenue
- o. W. Main Avenue/Peak Avenue
- p. Hale Avenue/W. Main Avenue
- q. Monterey Road/W. Main Avenue
- r. Butterfield Boulevard/E. Main Avenue
- s. W. Dunne Avenue/Peak Avenue
- t. Monterey road/Dunne Avenue
- u. Butterfield Boulevard/E. Dunne Avenue
- v. E. Dunne Avenue/US 101 SB Ramps
- w. E. Dunne Avenue/US 101 NB Ramps
- x. E. Dunne Avenue/Condit Road
- y. E. Dunne Avenue/Murphy Avenue
- z. DeWitt Avenue/Edmundson Avenue
- aa. Edmundson Avenue/Sunnyside Avenue
- bb. Monterey Road/Tennant Avenue
- cc. Tennant Avenue/US 101 SB Ramps
- dd. Tennant Avenue/US 101 NB Ramps
- ee. Watsonville Road/Sunnyside Avenue
- ff. Monterey Road/Watsonville Road

The US 101 freeway will be the most congested corridor and will require detailed operations analysis from the US 101/SR 85 interchange through Morgan Hill to determine the ultimate needs to adequately accommodate traffic under future conditions. San Jose should coordinate directly with Caltrans and City of Morgan Hill staff to identify improvements used as mitigation for impacts in this corridor.

E. Cumulative Traffic Impact Analysis

The City of San Jose currently uses its own travel demand model to conduct a PM peak hour link analysis of roadway segments using changes in traffic volumes, vehicle hours of travel and vehicle miles of travel as measures of effectiveness. This analysis method is used since the accuracy of estimating of turning movement volumes at individual intersections under long-term cumulative conditions can be speculative. In the past, this analysis was applied to San Jose roadways only and did not address cumulative impacts in other jurisdictions. In the Draft EIR, this link analysis should also be applied to roadway segments in the City of Morgan Hill to provide a reasonable cumulative analysis and adequate information for Morgan Hill decision-makers and staff. At a minimum, these links should include the following roadway segments:

- a. Hale Avenue – North of Tilton, Tilton to Llagas, Llagas to Main
- b. Monterey Road – North of Tilton, Tilton to Cochrane, Cochrane to Main, Main to Dunne, Dunne to Tennant, Tennant to Watsonville
- c. Butterfield Boulevard – Madrone to Cochrane, Cochrane to Main, Main to Dunne, Dunne to Tennant, Tennant to Monterey Road
- d. Cochrane Road – Monterey to Butterfield, Butterfield to Madrone, Madrone to US 101
- e. Dunne Avenue – Monterey to Butterfield, Butterfield to US 101
- f. Tennant Avenue – Monterey to Butterfield, Butterfield to US 101

- g. Dewitt Avenue – Edmundson to Dunne
- h. Sunnyside Avenue – Edmundson to Watsonville
- i. Watsonville Road – West of Sunnyside, Sunnyside to Monterey

F. Mitigation Measures

As part of the recently approved North San Jose Development Policy EIR, the City of San Jose identified transportation/circulation impacts and mitigation measures in adjacent jurisdictions. In all cases, however, the City did not provide a financial contribution towards designing or implementing any of the identified improvements. The EIR did identify a \$450 million fee program plus CIP contributions that would fund improvements in San Jose.

Given that CVSP impacts in Morgan Hill are inevitable, the City of Morgan Hill is requesting coordination with City of San Jose staff prior to release of the Draft EIR to identify potential improvements where joint development or partial funding of projects can be established through memoranda of understanding or other formal means. Therefore, any fee program established for mitigation should include allocations for improvements in Morgan Hill.

In addition to roadway improvements and other capacity enhancements, mitigation measures considered in the Draft EIR should include, but not be limited to: reduction of the overall project size, increasing the number of residential units within mixed-use developments (only 3,800 of 26,600 units are included within mixed-use development according to the NOP), increasing density (i.e., minimizing the number of single-family detached units), and a reduction in the number of jobs, etc.

G. Project Phasing

The project is of sufficient size that it will develop in phases over time. The EIR should clearly identify the project phasing and the associated impacts and mitigation measures at all locations including those in Morgan Hill.

H. Level of Service (LOS) Policy

The City of San Jose currently maintains a citywide LOS D policy with several exceptions. Four special planning areas including North San Jose, Evergreen, Edenvale and the Downtown core have special requirements related to LOS and/or the timing of planned improvements. The impact analysis and mitigation measures for the CVSP should continue to adhere to the citywide policy of LOS D and should conform to the City of Morgan Hill's LOS D+ policy for all locally controlled intersections. No new policy should be developed for intersections or roadways outside the project site boundaries.

V. THE OTHER ENVIRONMENTAL EFFECTS OF THE PROJECT

Land Use – The NOP fails to recognize that the CVSP will lead to direct conversions of agricultural land within the footprint of the proposed development – not just to “adjacent agricultural uses.” This impact must be fully addressed in the EIR. More generally, the EIR should also describe the project's consistency with the San Jose's General Plan and zoning, evaluation of any incompatible land use impacts from proposed land use changes, and the jobs/housing balance. Finally, the mitigation measures that will be reviewed in the EIR should not be limited to the categories listed at the end of this topic in the NOP.

Air Quality – The EIR must also evaluate the impact on air quality from the development proposed, not just traffic. The industrial and R&D development in particular may have air quality impacts.

Noise – The EIR’s evaluation should not be limited to the “land use compatibility between proposed uses” but should also include the impact on the existing environment at the time of the NOP. The impacts evaluated should also include traffic noise resulting from buildout of the Plan.

Hydrology and Water Quality – At the April 26 Workshop, a representative of the Santa Clara Valley Water District indicated that the District has many issues related to high ground water and that they are working toward a plan to address this area. These issues should be fully explored in the Draft EIR. The EIR must review the high groundwater levels in the area and evaluate the impacts of the proposed development on groundwater supplies.

Hazardous Materials – The EIR should describe the potential for contamination of the groundwater from existing hazardous materials on sites resulting from historic and present land uses. It should not be limited to the evaluation of this impact on areas proposed for residential and school development, as the NOP implies. In addition, the EIR should not be limited to the potential for impacts to proposed development, but should also include the potential for contamination of existing groundwater resources and uses that will not otherwise be changed by the CVSP. The impact from the generation of hazardous materials by the proposed uses, including industry and R&D, should also be evaluated.

Growth Inducing Impacts -- The EIR should identify and describe the extent to which infrastructure (including transportation improvements) proposed or required by the project would include excess capacity, and identify what, if any, additional development might be accommodated or induced by that capacity.

VI. ALTERNATIVES

Under CEQA, the alternatives section is the "core of an EIR." *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 564 (1990). Similarly, in *Laurel Heights, supra*, 47 Cal.3d at 400, the court held that the alternatives analysis is one of the "major functions" of an EIR. For an EIR to be legally adequate, it must therefore analyze a reasonable range of feasible alternatives.

The description of alternatives in the NOP is very abbreviated. Morgan Hill submits that at a minimum the Draft EIR must consider an alternative that significantly reduces the scale of the project and an alternative that balances the jobs and housing in the project.

**CITY OF MORGAN HILL
SPECIAL CITY COUNCIL
COYOTE VALLEY SPECIFIC PLAN WORKSHOP
MINUTES – APRIL 26, 2005**

CALL TO ORDER

Mayor Kennedy convened the Coyote Valley Specific Plan Workshop at 7:05 p.m.

ROLL CALL ATTENDANCE

Present: Council Member Tate and Mayor Kennedy
Late: Council Member Sellers
Absent: Council Members Carr and Grzan

WELCOME AND INTRODUCTIONS

City of Morgan Hill: Ed Tewes, City Manager; Kathy Molloy Previsich, Director of Community Development; David Bischoff, Contract Planner

City of San Jose: Forrest Williams, Council Member; Darrel Boyd, Principal Planner; Emily Moody, Assistant to Council Member Williams; Jennifer Malutta, Deputy Chief of Staff, Office of Mayor Ron Gonzales; Joe Horwedyl, Director of Planning; Luke Vong, Associate Engineer, Department of Transportation; Manuel Pineda, Senior Engineer, Department of Transportation; Mike Mena, Planner; Paul Ma, Department of Transportation; Sal Yakabu, Principal Planner; Jodi Starbird, David Powers & Associates; Eileen Goodwin, Apex Strategies; Mike Waller, Hexagon Transportation Consultants

Stakerholders: Alex Kennett, Open Space Authority; Carolyn McKennan, Superintendent, Morgan Hill Unified School District; Connie Ludewig, San Martin Neighborhood Association; Jack Faraone, Coyote Valley Landowner; Rebecca Van Dahlen, Santa Clara County Association of Realtors; Russ Danielson, Coyote Valley Specific Plan Task Force; Shelle Thomas, Morgan Hill Unified School District Board Member; Peter Mandel, Morgan Hill Unified School District Board Member; and Steve Kinsella, President, Gavilan College

DECLARATION OF POSTING OF AGENDA

City Clerk Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Kennedy opened the floor to public comment for items not listed on the evening's agenda. No comments were offered.

Joe Horwedyl addressed the Coyote Valley Specific Plan and related Environmental Impact Report (EIR) process. He addressed the potential environmental impacts associated with land use, transportation, air quality, noise, hydrology, geology & soils, biology, cultural resources, hazardous materials, visual and aesthetic resources, utilities/energy, and public facilities and services. He explained the California Environmental Quality Act (CEQA) and the EIR process as part of a specific plan. He addressed the EIR alternative requirements. He said that the City of San Jose is reviewing the impacts associated with the development of Coyote Valley, indicating that they are still collecting data and that they have not yet begun the analysis associated with any impacts. He said that CEQA requires that as impacts are identified, agencies are to look at ways of minimizing the impacts. Mitigation measures would be built into the project in order to lessen the impacts; tweaking plans to minimize the impacts. He stated that project alternatives need to be feasible, accomplish most of the objectives of the project, and avoids or substantially reduces the significant impacts. He said that the City of San Jose has identified 16 objectives/goals for Coyote Valley; including meeting the objectives of San Jose's general plan. He said that there is a rule of reason that stipulates that public/lead agencies do not need to look at every alternative, but need to review a reasonable range of alternatives. He expects that the City of San Jose will look at 15 alternatives based on the size of the project. The intent of the alternatives is to foster an informative decision making process.

Mr. Horwedyl said that the City of San Jose City Council is looking toward 16 outcomes/objectives for the project (e.g., affordable housing, no development in greenbelt, living within the confines of the plan, 50,000 jobs and housing to be constructed, consistency with the general plan, etc.). He said that the City of San Jose will look at ideas that are identified and decide how they are to be studied. He felt that 10-20 ideas would be studied and reviewed as part of the EIR process. There are different types of project alternatives to be looked at, including a "no project" alternative. He said that under the no project alternative, jobs would still be developed based on the approval of Cisco development. San Jose will look/analyze: the Greenbelt Alliance Plan; issues associated with the core infrastructure/land use plan (e.g., central lake/park concept), realignment of Fischer Creek; Santa Teresa Boulevard circulation, development on the east side of Monterey Road, wetlands); reduced scale alternative (reduced project would have less impacts on air, traffic, services, water supply, sewage demand, etc.); jobs/housing alternatives to be looked at as part of a reduced scaled project, including uneven reductions in housing/jobs, and finding an alternative location(s). However, finding an alternative location(s) would be a challenge. He said that until all the reports are completed, it is not known which impacts would be potentially significant, and that the alternatives would be a moving target as the EIR process moves forward.

School Board Member Mandel noted that in the work being done, the San Jose City Council is moving forward with 16 outcomes. Yet, it is being stated that alternatives are being reviewed. He inquired whether this is the process where the 16 outcomes are considered and whether new goals would be identified as part of the process.

Mr. Horwedyl said that Sal Yakabu and his staff need to come up with a plan that meets the 16 outcome criteria and that it is his job to analyze the plan to see if it is the best environmentally balanced project that can be designed; and if not, to look at items that would balance the project. He stated that he has a little more latitude in looking at the 16 goals. In looking at a reduced project, he would be at odds with the San Jose City Council's goal of providing 50,000 jobs and 25,000 housing units. Should he analyze something in the EIR that states that 25,000 jobs and 20,000 housing units is the best alternative, he would explain this in the EIR. The Council would then need to decide whether they want to hold to the original plan or look at a different project alternative model.

Mr. Horwedyl indicated that the Greenbelt Alliance Plan did not include the 16 goals. He stated that he advised the San Jose City Council last month that staff is using a framework to look at alternatives such as transportation, elimination of a parkway road system, use of a grid ~~iron~~ road system, flood control alternatives, biology, services that include school standards, and land use (e.g., use of a more compact foot print, greenbelt, etc.). He addressed comments received relating to alternative locations. He said that there are a number of alternative locations that can be looked at and analyzed as part of the EIR. (e.g., build the project on the foothills). However, there is a premise that the project cannot make impacts worse. There is a question regarding using the Greenbelt Alliance Plan alternative or to look at certain components of the plan. It is being suggested that major components be reviewed. He addressed triggers (e.g., no development in Coyote Valley until 5,000 jobs have been developed and the City of San Jose has secured economic health; providing services based on certain level standards). He said that the Task Force will discuss triggers and step alternatives to development. He stated that jobs are important to the way they will balance the transportation network. To be discussed is how you pay for the entire plan. He noted that it would cost over \$1 billion to construct the infrastructure. It is believed that residential development will pay for most of the infrastructure/services. These will be ongoing discussions.

Council Member Sellers entered and was seated.

Mr. Horwedyl addressed the schedule, indicating that it is a goal to circulate an EIR later this year and that it is proposed to add an additional review period to the required 45-day review period. He said that once the San Jose City Council decides on the preferred plan, he would begin to describe alternatives to the preferred plan. He clarified that the majority of the EIR will be describing the Plan. He indicated that the San Jose City Council has selected a preferred plan that will have a variety of detail. He stated that he is writing an EIR based upon a specific plan and a zoning document. The EIR would not be describing details or specificity. Details would be reviewed under later approvals. He said that the San Jose City Council has accepted the specific plan before the stakeholders group. The plan will discuss the number/types of housing units and types of commercial uses, etc.

Mayor Kennedy inquired as to the best way that the City of Morgan Hill and the Coyote Stakeholders can bring forth a preferred alternative.

Mr. Horwedyl responded that the notice of preparation of the EIR would be released in mid May 2005. This would be the kick off of the EIR process. This would be an opportunity for other public agencies,

the community and interested parties to provide information to the City of San Jose about information that should be included in the EIR and whether there are other alternatives to be reviewed. He said that now is the time to identify alternatives (sooner rather than later in order to be included in the EIR process).

Mayor Kennedy said that Mr. Yakabu and staff have been working on developing a preferred alternative. It is his understanding that this preferred alternative has been forwarded to the EIR consultants. He inquired whether planning staff would continue to develop a preferred alternative plan.

Mr. Horwedyl said that planning staff will be reviewing the preferred plan and will continue to do so as part of the EIR process. He stated there are still discussions taking place about how the pedestrian circulation should work. As planning staff goes through the different facets of the plan, adjustments will be made to the plan. He stated that by no means is the plan completed. Planning staff and consultants will be working on the plan over the next year to make it ready for the San Jose City Council to adopt.

Mr. Bischoff said that the San Jose City Council endorsed a preferred alternative plan in January 2005 and that the consultants will be working toward a refinement of this plan. He indicated that there should not be an expectation that there will be a lot of changes made to the plan. If Morgan Hill is to provide comments on its preferred alternative and provide additional input, he felt that the City of San Jose might consider it as an alternative in the EIR.

Mr. Horwedyl stated that the task force would consider all information that would be part of the EIR process. However, he said that the San Jose City Council gave a lot of thought to their preferred alternative and that it would surprise him should the plan would change significantly.

School Board Member Thomas inquired as to the role of the task force following the completion of the EIR process.

Mr. Horwedyl responded that the task force will continue to work through the specific plan and the different implementation pieces such as the financing pieces of the plan (e.g., industrial development, development of a Mello Roos District, another assessment tool, phasing of improvements, active acquisition of a greenbelt plan, as a passive greenbelt plan, etc.). He said that there are still a lot of discussions to be undertaken.

Russ Danielson stated that he was pleased to see that the alternative uses the term “suburban school size” rather than “urban school size” in the small footprint. The idea of shared land/park backing up to schools and vice versa should be looked at carefully as it can be a concept that has danger involved in it.

Community Development Director Molloy Previsich inquired whether the EIR would analyze intermediate development of Coyote Valley.

Mr. Horwedyl indicated that an end point analysis would be conducted for full build out. They will address questions about phasing transportation improvements and other infrastructure in order to determine whether the right mitigations are included. He said that he does not have enough traffic

analysis at this time to determine the infrastructure, circulation, phasing and timing. This information is to be gathered through the specific plan process.

Mayor Kennedy requested that the School District and Gavilan College representatives address their involvement in the process.

Dr. McKennan said that School District has been discussing the size/ownership of school land and whether the school will be designed as a single story facility, etc. She stated that no conclusions have been reached, but that the School District has shared their ideas with the City of San Jose and that progress has been made toward understanding each other's desires. She stated that it was found that a shared park concept would not work. As the process moves forward, it will be determined whether there would be conflicts. She said that it would be important to continue dialogues.

School Board Member Mandel stated that dialogue has been good and on going. He expressed concern with timing. He felt that it needs to be determined the number of children who would reside in Coyote Valley and then look at the implications (e.g., more schools versus less schools needed). It would be his goal to get basic assumptions settled such as the types, configuration and number of schools and how the schools would share parks. Once these are identified, they can be tweaked and included into the preferred plan. Given the timing of the notice of preparation, he felt that there is time to include a revised set of assumptions into the preferred plan.

Mr. Horwedyl confirmed that there is still time to include items into the build out of the plan. He said that the plan document will evolve and have will have a life of its own.

School Board Member Thomas said that a concern is that the School District is dealing with a finite area and that every acre makes a difference. Therefore, the allocations to the school district and college for other infrastructure will become critical in the overall picture. Therefore, it is the preferred alternative that one wants to review from the beginning.

Gavilan College President Kinsella indicated that he has identified a specific piece of property directly across from the IBM Business Park and that he would like to work with the City of San Jose toward a Memorandum of Understanding. He is working with the City of San Jose to develop athletic fields adjacent to the parcel. He stated that Gavilan College does not share the same safety issues associated with school children as most students are adults. He said that he has discussed joint facility(ies) parking and library projects. He said that it is Gavilan's intent to close the key points that cannot be discussed this evening and continue to move forward. There is one issue that poses a challenge, one that he has no control over, and that is the size of the footprint. He said that the education code is specific in its requirements. The education code will determine whether the site can be purchased. He said that there is still a lot of work that needs to be done, including site testing.

Council Member Sellers addressed traffic concerns. He noted that growth has occurred from individuals working in Silicon Valley and that 80% of the City's workforce go to other places, mainly to Silicon Valley. He indicated that the City understands commute patterns. This is a great community and that is the reason individuals chose to reside in Morgan Hill. He said that housing is less expensive in South

County. In looking at traffic issues/patterns, he felt that the 80/20 split does not make sense. He felt that three of the four patterns show traffic will head south as this has been what has been seen over the past few decades. He felt that the plan was put into place and that the traffic numbers were derived to match the plan. He requested an explanation as to why Morgan Hill should feel comfortable that traffic would be heading north.

Mr. Horwedyl indicated that the 80/20 split came out of the Cisco EIR. He said that the information was based on the response to comments that came from the public on the EIR. He said that there were a lot of comments on the 80/20 split and that the traffic assignment/distribution looked at where housing was and ran the numbers. It took 9 months to respond to comments, a substantial amount of time. They went back to look at the original assumptions to determine how real the numbers were. He indicated that the City of San Jose was sued five times over the EIR and that they won all lawsuits. One of the big issues of the lawsuits was that should the campus industrial development move forward, it would push a lot of housing to the south. He indicated that after reviewing the general plans of the number of homes to be constructed in surrounding cities, the 80/20 split is very close. He noted that even in this slow year, San Jose will be issuing 3,000 housing permits, noting that in good years, 5,000 housing permits are issued. When he looks south, he does not see a lot of housing being made available. New housing is being constructed, but not at the magnitude that is occurring to the north. He will be reviewing the numbers to determine whether these are still real numbers. He said that having a mixed housing industrial project would have a better transportation outcome.

Mr. Boyd said that a problem with the Cisco EIR is that City of San Jose used its own transit model. In this case, the City of San Jose will be using a different model in order to build better confidence in the numbers in the results to be achieved, using a VTA model that looks at the 14 county bay area. The model will take into account the general plans of regional areas.

Council Member Sellers felt that it was important to look at the numbers. It is also important to provide housing so that South County, Salinas and other areas will not be impacted.

Mr. Horwedyl said that during the litigation process, they reminded south county cities that they are building low density housing on farmland and that the workers in their communities cannot afford to purchase homes. He indicated that Monterey County just approved a large subdivision north of Salinas and that the housing does not support the farm workers. He said that San Jose would provide as much housing as possible.

School Board Member Thomas said that it was her hope that the model would take into account existing housing.

Mr. Horwedyl said that there is new housing being constructed everywhere. There was a discussion about the impact of Coyote Valley to housing prices in Morgan Hill, Gilroy and other communities. He said that this could be studied as part of the fiscal analysis, but could not guarantee that it would be studied. He said that at time of preparation of the analysis for Cisco, it was found that there were a lot of homes available for sale to the north and south with a vast majority of homes being to the north.

Mayor Kennedy said that even if you use an 80/20 assumption, 20% would create another bottleneck. He inquired how the Plan would address traffic congestion. Would there be an extension of light rail?

Mr. Horwedyl said that if there is nothing in the plan that addresses public transportation, one of the mitigation impacts he would identify as part of site impacts to Highway 101 would be congestion and what it would take to relieve congestion as part of the EIR. He said that San Jose City Council would need to determine what would be feasible to include in the project and what would not be feasible due to economics. There has been discussion by the San Jose City Council about the cost for the plan and the features to be included. Should Highway 101 widening be a cost to the development, it needs to be determined how much the Plan could bear.

Mr. Boyd said that San Jose will run the traffic model in advance of the EIR. He plans to run a transportation model in order to get a sense of the possible impacts. The data provided would assist in determining whether some of the mitigation measures to be identified can be incorporated.

Mr. Horwedyl said that the provision of Caltrain service into Coyote Valley, and how to design Santa Teresa in order to allow light rail to ultimately come to Coyote Valley will be studied. He indicated that VTA has indicated that they are not ready to bring light rail into Coyote Valley until it starts to develop.

Mayor Kennedy suggested that transportation staff work with South County agencies as they are also pushing to bring Caltrain and bus transit to South County. He felt that working together may result in bringing additional mass transit services to South County.

Mr. Horwedyl stated that the City of San Jose received money from the State to help fund Caltrain at time of the review of the Cisco project. A message that San Jose is trying to relay to South County communities is that they see their connection/relationships to communities to the south versus south San Francisco or Alameda County. He agreed that working together may result in bringing more transportation dollars to South County.

Council Member Tate expressed concern with the housing/job imbalance. He did not believe that affordable housing was addressed. He expressed concern with economics and whether it equates.

Mr. Horwedyl said that San Jose is unique in that it has fewer than one worker for each job that is available. Other cities in the county have 3-4 jobs per employed residents. He said that San Jose is trying to build out of this. He felt that a solution to address this would be to develop more industrial as being the best economical thing to do. However, San Jose continues to add several thousands of housing units into its general plan. He stated that the San Jose City Council understands the linkage of having available housing and keeping a balanced economy going. San Jose does not look at Coyote Valley as a microcosm of control. He noted that south San Jose has a tremendous amount of housing and that residents work elsewhere (e.g., to the north).

San Jose Council Member Williams indicated that at the request of Mayor Kennedy, San Jose staff came to speak to the Coyote Stakeholders and the City of Morgan Hill about the Coyote Valley EIR. He said that there are phases that San Jose must go through as identified in the visioning process and by the San

Jose City Council. He said that questions raised will be answered, but that it will take time. The EIR will address environmental, transportation, and housing projection issues. He said that San Jose will make sure that Coyote Valley is a viable project and that the Plan will address everyone's concerns. He said that the EIR document will address the concerns raised. He stated that the City of San Jose wants individuals to raise concerns in order to discuss and address them. He indicated that the City of San Jose is willing to come to South County to try and address concerns as the more you talk about the concerns, solutions tend to evolve and concerns addressed. He said that the City of San Jose is committed and wants to make sure that Coyote Valley is a place where people want to be. San Jose wants to address all environmental issues and provide mitigations to impacts. He said that flexibility needs to be incorporated into the Plan so that it is a moving/living plan. He stated that Mayor Gonzales and the City of San Jose is committed to making sure that everyone moves together. Everyone will need to give and take a little in the development of Coyote Valley. He acknowledged that transportation and schools are important. He and Mayor Gonzales have reviewed the recommendations for phasing and that they would be releasing their views of what it should be. To be reviewed is the cost of the infrastructure, phasing of development and how best to move forward with development of Coyote Valley. He felt that phasing may help to address some of the issues raised this evening regarding traffic, housing, etc. He said that San Jose continues to look at ways to generate housing, including changes to land use so that they can address housing and industrial issues. They are trying to be creative in order to meet the needs. San Jose will be generating housing and will meet the requirements for housing. He agreed that the job housing balance needs to be changed. He felt that the City of San Jose needs to provide better services to its residents and that if they can provide more jobs, they would be able to do so. He stated that the City of San Jose is willing to work cooperatively with the City of Morgan Hill and the Coyote Valley stakeholders to help address issues and concerns.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Santa Clara Valley Water District Board Member Rosemary Kamei stated that the City of San Jose staff is working with the Water District to address flood control and water supply issues. She said that the Water District has many issues related to high ground water and that they are working toward a plan to address this area. She said that the Water District Board of Directors did have an opportunity to take a look at some preliminary information and that the Board is interested in working with the City of San Jose as well as the City of Morgan Hill to look at the possibility of a new zone benefit for water rates and other issues. She said that long range planning needs to occur in looking at water supply and other issues within this area. She indicated that the City of San Jose is well aware of the Water District's concerns in this particular area.

Mayor Kennedy said that there is a serious concern about active water sources in Coyote Valley and that this is an issue that needs to be addressed. Regarding flood control, he noted that Fisher Creek begins in Morgan Hill, on Cochrane Road. He felt that the City of Morgan Hill needs to work with the City of San Jose so that the detention ponds pumped into Fisher Creek do not create flooding.

School Board Member Thomas stated that air quality is a major concern and that she does not know how it can be mitigated as it is a strong concern to south valley residents. She also expressed concern with the quality and adequacy of water, especially with the development of high industrial uses. She said that

fluoride in the water has contaminated the wells in Morgan Hill. She said that the City needs to make sure that it has an adequate water supply for its citizens.

Mayor Kennedy also addressed air quality, especially with Calpine. He said that there is a reliance on automobiles and that the development of Coyote Valley will exacerbate an existing problem. He referred to the packet handed out earlier. He stated that he sent a letter to Mayor Gonzales in early 2005 and that he still does not have answers to his questions. He referred to page 8 of the letter relating to housing 1a and 1b.

Mr. Horwedyl said that a preferred plan has been identified and that it will allow San Jose to conduct projection of jobs. He said that campus industrial is subjective with 50,000 jobs being proposed. He said the secondary jobs piece would be a part of the EIR with projections and assumptions being made. He stated that over the next several months, more information would be shared. He indicated that this is work in progress with initial numbers. Through the EIR process, San Jose would refine the numbers. He said that it is anticipated that within the next four months, additional information would be made available.

San Jose Council Member Williams said that four months is a best guesstimate regarding being able to provide projections.

San Jose staff stated that as the process proceeds, refinements to numbers will be made. Staff will need to determine the primary jobs (e.g., retail and government job; jobs that bring income into the community, etc.). He stated that primary and secondary jobs will need to be determined.

Mr. Horwedyl said that housing 1b addresses the 80/20 split analysis. Item c identifies triggers for phasing and that item d talks about economics. He indicated that CEQA requires that physical impacts be reviewed and not social or economic impacts unless the social/economic impacts have a physical connection. He said that an economist is looking at a variety of economic issues associated with the plan. The economic analysis is being conducted, but would not necessarily be a part of the EIR. The EIR will look at economic pieces, but that he could not guarantee that it would look at how it would affect housing prices in Morgan Hill. He acknowledged that housing prices are going up and what is being done in Coyote Valley would not change this.

Mayor Kennedy inquired whether there was anything that could be done to increase housing affordability?

Mr. Horwedyl did not expect the 80/20 split to change. He noted that Coyote Valley is not in a redevelopment agency, and therefore, there is not statutory requirement for affordable housing. He said that the San Jose City Council included a 20% affordable housing requirement in their 16 guiding principles.

City of San Jose staff said that their Council has directed that a balanced community be planned. It was stated that staff has not conducted a study on the feasibility of affordability. Policies would be developed

in order to address housing affordability. He stated that there is a difference between affordability and inclusionary housing.

Council Member Sellers appreciated the fact that the City of San Jose is considering a 20% affordable housing requirement as one of the guiding principles. He felt that there are creative ways to provide different housing types. It is his hope that a greater percentage of affordable housing would be provided.

School Board Member Thomas indicated that the School District was under the impression that the proposed affordable housing units would be subsidized units.

Mr. Horwedyl stated that 5,000 housing units would be affordable, and that they would not be subsidized housing units. These will be income restrictive housing units and that you would not be able to tell the difference between an affordable and a market rate housing unit. He indicated that the Tacci development would be a high density development and would be an affordable housing project.

City Manager Tewes noted that it was indicated that the numbers would be revisited. He inquired whether the 80/20 split is an assumption built into the model or is it an outcome of the model.

Mr. Horwedyl responded that the numbers are a result of the model.

San Jose staff said that the 80/20 split is a number that was set based on the Cisco project. He stated that a model run was conducted for this project.

Mike Mena said that there are several things to keep in mind regarding the 80/20 split. It is not being stated that trips are not coming from the south. It is referring to how many homes are located south of Coyote Valley versus how many homes are located north of Coyote Valley. This determines how many trips would be attached to the activity. He said that with the existing plan, there are fewer homes south of Coyote Valley than similar distances north of Coyote Valley. There is also more congestion coming south of Coyote Valley than there is from the north of Coyote Valley in peak hours. He said that housing is an assumption that is an input to the model. The outcome of the distribution of trips associated with this plan is the results. A question that needs to be asked is whether the number of trips coming from the south would be different with or without jobs/housing in Coyote Valley. He stated that the number of commuters coming north would be identical with or without development in Coyote Valley. He said that the traffic model takes into account income groups. Therefore, there is a different distribution model for each class of household incomes and jobs.

Mayor Kennedy felt that the 80/20 split would change based on more affordable housing being made available south of Coyote Valley. It was his belief that affordable housing to the south would increase traffic.

Council Member Sellers said that if communities to the south allow housing stocks to increase, it will turn Morgan Hill into one big parking lot. As long as the numbers hold, the 80/20 split would be reasonable. Once communities to the south allow the construction of additional affordable housing, he felt the numbers would change.

Mr. Mena said that Mr. Horwedyl is stuck with CEQA law and that he has to look at existing adopted general plans for other communities. The San Jose City Council will not likely give him the latitude to change the assumptions in the EIR to take speculative considerations into account or over estimate the impacts to the south.

Community Development Director Molloy Previsich noted that this is a plan for a new city. She recommended that San Jose reassess the amount of housing proposed in communities to the south. She felt that there is a regional component that needs to be analyzed as part of good planning.

Mr. Horwedyl said that ABAG and MTC looks at where the jobs and housing growth will occur. The numbers San Jose staff received from ABAG and MTC indicate that Coyote Valley, downtown San Jose and the Evergreen area is where development would occur (San Jose city limits). At the regional level, the same pressures will still exist.

Community Development Director Molloy Previsich said that because San Jose will not be able to accommodate development it will place pressure on other cities to accommodate development.

Mr. Mena said that Mr. Horwedyl is in a tough spot, and that he will have to consider various alternatives to the project that tend to lessen some of the impacts.

Mayor Kennedy said that it is Morgan Hill's hope that the City of San Jose would work with the City and the stakeholders through the planning process. It is the hope that the City of San Jose will continue to work with the stakeholders on real alternatives.

San Jose Council Member Williams said the City of San Jose is open to discuss issues. He felt that pressures would still exist without development in Coyote Valley. Regionally, the area will grow as this is a place where individuals want to relocate. The City of San Jose needs to look at its zoning and land uses. Other cities will look at their land uses and decide whether they want to accommodate growth. The City of San Jose is basing its development projections on land use and needs; preparing for the future. He felt that the City of San Jose is in a dilemma. The City of San Jose is trying to rectify and improve the quality of life for its community. This will result in the need to change job/housing numbers. The City of San Jose wants to work with its legal documents. They also want to work together, noting that San Jose has a direction where it wants to go. The City of San Jose wants to work with the Plan and would like to address concerns, but that they need to look at the EIR. The Plan needs to come close to a place where everyone can exist together.

Mayor Kennedy said that the 80/20 split has been a source of concern to the stakeholders.

San Jose Council Member Williams asked what the City of San Jose can do such that the stakeholders in attendance can reach a comfort level that the numbers are real or close.

Community Development Director Molloy Previsich said that it is staff's concern that the regional assumptions are updated as much as possible. She felt that the model should reflect the most recent assumptions for all counties. There may be another model that would be worth analyzing.

Mr. Horwedyl said that the City of San Jose reviewed several models with the Cisco plan and made sure that they had the most recent data possible. He stated that the notice of preparation is an important process as this is the snapshot that is used to analyze the plan. The City of San Jose will continue to monitor to make sure that the model is the true model, using the VTA model. He said that the City of San Jose would like to conduct focus topic sessions such as transportation focus/analysis.

City Manager Tewes said that the City of Morgan Hill has asked to review information, but has not been provided with information.

Mr. Horwedyl said that the City of San Jose would prefer to give everyone the technical information, but that he needs to work with the attorney to figure out how/when to provide the information at the same time.

Mr. Bischoff suggested that changes have occurred. He noted that it has been stated that ABAG provides regional numbers and that the numbers state that Santa Clara County will be adding more jobs than housing units. If this is the case, individuals who will be working in Coyote Valley will live outside the area. He requested a reassessment of the 80/20 split. He stated that he would like to have the opportunity to dialogue about the assumptions.

Mayor Kennedy suggested that stakeholders be allowed to work with the consultant or San Jose City staff to better understand the assumptions.

Mr. Horwedyl said that school sites will be designated in the Plan and that they are working on the financing piece of this. He indicated that school districts are wards of the state as it relates to property acquisitions. It is their goal to work with the school district.

School Board Member Thomas said that the School District is not in the same position as Gavilan College; indicating that the School District does not want to burden existing residents with the financing of a new school.

Regarding public facilities impacts, Mr. Horwedyl stated that the EIR would be assessing the impacts to the county road network and identifying mitigations. Neighborhood parks will be built as part of the project. The habitat conservation plan will include open space land. The Task force will grapple with a greenbelt active/passive strategy. He stated that the EIR will not address development agreements. He stated that the existing general plan and zoning would remain in place as part of this specific plan.

San Jose Council Member Williams indicated that Santa Clara County Board of Supervisor Don Gage and he have been meeting with property owners. He indicated that Supervisor Gage is willing to listen to recommendations and proposals. He said that it is Supervisor Gage's view that the County has no interest in changing the greenbelt. He stated that this work is going on in order to find out how best to

characterize the greenbelt. He said that there are concerns about access, trails and parks as amenities to a greenbelt. Supervisor Gage would like the property owners to come forward with a plan.

Council Member Tate excused himself from the remainder of the meeting.

Mr. Horwedyl said that air quality will be a difficult impact to mitigate. He indicated that Calpine is located in Coyote Valley and that an air quality model would be prepared. The air quality analysis prepared as part of Cisco development included Monterey County's air regulations. Regarding the Bay checkered butterfly, he stated that he is working on a habitat conservation plan on this issue. He stated that a number of technical meetings have been held. He said that all interested parties would be invited to attend future technical meetings. Regarding the San Martin Airport, he said that CEQA requires that they look at secondary impacts associated with this activity and its use. He noted that the County controls this facility and its operation/expansion. He would look at today's activities and how much more activity there would be. To be looked at are healthcare, religious institutions, schools and their availability. He noted that a hospital is located in the City limits and that Santa Teresa Kaiser will be utilized.

It was noted that the hospital in Morgan Hill is not open.

Council Member Sellers indicated that it is a Council goal to have the hospital reopened with capacity.

Mr. Horwedyl said that he does not believe that there is a plan to build an emergency hospital in Coyote Valley. He agreed to address the demand and distance to access a hospital(s).

Mr. Bischoff summarized the follow up action items as follows: the preferred alternative plan may be modified to address school district concerns; San Jose staff agreed to look at the 80/20 split and the traffic assumption model; San Jose staff may consider the affordability of housing as part of the financial analysis; San Jose staff to run the traffic model in advance of the EIR to determine if the plans need to be modified; Mayor Kennedy asked San Jose staff to work with Morgan Hill regarding mass transit service to south county; and Mayor Gonzales and Council Member Williams will discuss phasing of development with the task force.

Mr. Horwedyl stated that the City of San Jose would continue to work with the School District to try and resolve the issues about school sizes, numbers and trip generations. He indicated that San Jose would like to work with Morgan Hill on how to implement a greenbelt.

Mayor Kennedy indicated that staff will prepare notes and comments; providing this information to the City of San Jose and the Coyote Stakeholders. He thanked the City of San Jose staff, Council Member Williams, and the consultants for coming to Morgan Hill and attending this workshop. He felt that this was a positive step that afforded open dialogue.

FUTURE COUNCIL-INITIATED AGENDA ITEMS

No items were identified.

ADJOURNMENT

There being no further business, Mayor Kennedy adjourned the meeting at 9:35 p.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, CITY CLERK



City of Gilroy

COMMUNITY DEVELOPMENT DEPARTMENT

7351 Rosanna Street, Gilroy, CA 95020

Planning Division	(408) 846-0440	FAX: (408) 846-0429
Engineering Division	(408) 846-0450	FAX: (408) 846-0429
Building, Life & Environmental Safety Division	(408) 846-0430	FAX: (408) 846-0429
Housing & Community Development	(408) 846-0290	FAX: (408) 846-0429

July 5, 2005

City of San Jose
 Attn: Darryl Boyd
 801 North First Street, Room 400
 San Jose, CA 95110-1795

Subject: Response to the Coyote Valley Specific Plan DEIR Notice of Preparation

Dear Mr. Boyd:

Thank you for allowing the City of Gilroy an opportunity to review the Notice of Preparation for the Coyote Valley Specific Plan Draft Environmental Impact Report. After careful review of this document, we have identified the following issues that need to be analyzed in the Draft Environmental Impact Report.

Traffic Issues (contact Don Dey at 846-0450)

1. The number of houses proposed in the Coyote Valley specific Plan area will not support the number of new jobs created. Therefore, the traffic analysis must take into account the impact of commuter traffic traveling from areas to the south and east of San Jose.
2. The traffic study must clearly identify the method of estimating the number of trips and the method of distributing project trips.
3. The traffic study must clearly identify the method of estimating the number of trips and the method of distributing project trips.
4. Traffic Analysis Scope:

The Coyote Valley development will have significant traffic impacts in the City of Gilroy area. To determine the potential traffic deficiencies in the Gilroy area the City requests that the following City roads the associated existing and future signalized intersections be studied for General Plan level of service compliance.

Major Corridors

1. US 101 - Masten to County Line
2. SR 152 - (Pacheco Pass to US 101)
3. SR 152 - (Hecker Pass) Santa Teresa to City limits

Arterial Corridors

Coyote Valley Specific Plan
 NOP Response

1. Santa Teresa Blvd – US 101 to Fitzgerald Ave
2. Monterey Road – US 101 to Masten Ave
3. Luchesa Ave – Santa Teresa to Cameron Blvd
4. Tenth Street – Santa Teresa to US 101
5. First Street – Santa Teresa to Monterey Road
6. Welburn / Leavesley – Santa Teresa to Camino Arroyo Circle
7. Buena Vista Ave – Santa Teresa to US 101
8. Fitzgerald / Masten – Santa Teresa to US 101

US 101 interchanges

1. Monterey Road interchange
2. SR152 / Tenth Street interchange
3. Leavesley / SR 152 interchange
4. Buena Vista interchange (new)
5. Masten Ave interchange

The Coyote Valley traffic study analysis is being performed with the land use and transportation circulation network being developed by VTA for the South County Circulation Study. The VTA study consultants have obtained the existing and future roadway networks for the City of Gilroy. Every effort should be made to coordinate assumptions on these two modeling efforts.

The City of Gilroy is very concerned about the assumption of an 80/20 trip distribution between trips going north of Coyote Valley and trips going south of Coyote Valley. It is our understanding traffic models are not sensitive to housing prices. Every effort should be made to incorporate some realism into the traffic distribution due to known regional factors such as housing costs.

5. Traffic Safety Analysis:

The analysis of traffic safety is an important criterion in a traffic analysis review. Increasing traffic volumes that could substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) need to be reviewed for the previously identified corridors.

Land Use/Planning/CEQA Issues (contact Melissa Durkin at 846-0440)

1. Provide justification for the number of service sector jobs identified in the NOP. We believe your estimates are very low. This issue is a significant concern to the cities to the south and east of San Jose, as we provide much of the housing for the jobs that cities in northern Santa Clara County create.
2. Analyze the growth inducing impacts that development of this project will create on cities to the south and east of San Jose. This analysis should emphasize pressures for other communities to construct residential units.
3. The DEIR must address conversion of agricultural land within the Specific Plan area.

4. The DEIR must fully analyze the project's impact on air quality, including impacts generated by traffic and industrial or R&D uses within and outside the plan boundaries.
5. The DEIR must include an alternative that significantly reduces the scale of the project and an alternative that balances the Specific Plan's jobs and housing in the alternatives analysis.

Please send a copy of the Draft Environmental Impact Report to me once it is complete. Please call me at (408) 846-0450 if you have any questions.

Respectfully,



Wendie Rooney
Community Development Director

cc: Don Dey
Melissa Durkin

July 5, 2005

City of San Jose
Attn: Darryl Boyd
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Please send a copy of the Draft Environmental Impact Report to me once it is complete. Please call me at (408) 846-0450 if you have any questions.

Respectfully,

Wendie Rooney
Community Development Director

cc: Don Dey
Melissa Durkin

Mena, Michael

From: Boyd, Darryl
Sent: Wednesday, July 06, 2005 10:15 AM
To: Jodi Starbird (E-mail); Mena, Michael
Cc: Yakubu, Salifu
Subject: FW: NOP letter

Darryl D. Boyd, AICP

Principal Planner

City of San Jose, CA

Dept. of Planning, Building & Code Enforcement

Voice - (408) 277-8513; Main (408) 277-4576

email: darryl.boyd@sanjoseca.gov

NOTE OUR NEW ADDRESS as of August 22, 2005:

City of San Jose

200 East Santa Clara Street

San Jose, CA 95113-1905

-----Original Message-----

From: Melissa [mailto:melissa.hippard@sierraclub.org]

Sent: Tuesday, July 05, 2005 5:03 PM

To: 'Boyd, Darryl'; darryl.boyd@ci.sj.ca.us

Subject: NOP letter

Hi Darryl,

Here is our comment letter in response to the NOP.

Please let me know I made it in under the wire.

Cheers!

Melissa

Melissa L. Hippard, Director

Sierra Club, Loma Prieta Chapter

3921 E. Bayshore Rd.

Palo Alto, CA 94303

650/390-8414 office 650/390-8497 fax

www.lomaprieta.sierraclub.org - visit our website to learn more!

7/6/2005



SIERRA
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FOUNDED 1892

City of San Jose
Attn: Darryl Boyd
801 North First Street, Room 400
San Jose, CA 95110-1795

July 5, 2005

Re: Response to Notice of Preparation for the draft Environmental Impact Report for the Coyote Valley Specific Plan.

Mayor Gonzales and Council Members,

Thank you for the opportunity to respond to the notice of preparation for the environmental review process for the Coyote Valley Specific Plan. Coyote Valley is home to a number of environmentally sensitive resources and threatened and endangered species. We encourage the City of San Jose to allow the habitat conservation plan/natural community conservation planning process to unfold prior to making any final commitments to develop Coyote Valley as this regional approach will better address the trade-offs between environmental protection and economic development.

It is critical that any plan to develop Coyote Valley be designed to ensure that this new community reflects the Council's vision as well as the premise of smart growth. The Sierra Club believes that smart growth not only improves air and water quality and protects open space, but it also redirects investments to our existing towns and cities. Planning for a world-class smart growth community in Coyote Valley is a laudable goal; however, building it any time soon would certainly compete with the in-fill potential that already exists within the urban core of San Jose. We urge the Council to resist any changes to the general plan triggers that would undermine urban opportunities and encourage greenfield development, the last recourse for growth.

The Sierra Club requests a thorough analysis of the many significant environmental issues related to the development of Coyote Valley. From impacts to wildlife, habitat, hydrology and cumulative impacts throughout the area, development will profoundly change its very nature. We are especially concerned to understand the full implications of traffic, air and water quality impacts, flood control and hydrology, endangered species and growth inducement.

In evaluating transportation impacts the DEIR should include an analysis of the impacts of the creation of a high speed rail corridor along the existing Cal Train line. We are also interested in knowing the implications of changes to Coyote Valley hydrology to downstream areas – especially to those residents and businesses that live along Coyote Creek where it empties into the bay.

The alternatives presented in the draft environmental impact report should include an alternative that looks at greater density in housing, greater emphasis on bike/ped access throughout the area, strengthened linkage with public transportation and maximization of open space within north and mid Coyote Valley.

Mitigation measures must be proposed for the extensive reduction in agricultural land, wildlife habitat and impacts to surrounding hillsides such as Coyote Ridge. We are greatly concerned with scale impacts as the creation of a new town in this area will have significant ripple effects, on the land, nature and people of south Santa Clara County and beyond.

We request that another public meeting be held in which proposed alternatives are made available for comment, prior to any further steps taken in the environmental review process.

Thank you again for this opportunity to comment. I would be happy to discuss these points and our general concerns regarding the development of Coyote Valley.

Thank you,

A handwritten signature in cursive script that reads "Melissa Hippard".

Melissa Hippard
Chapter Director

Mena, Michael

From: Boyd, Darryl
Sent: Wednesday, July 06, 2005 10:10 AM
To: Jodi Starbird (E-mail); Mena, Michael
Cc: Yakubu, Salifu
Subject: FW: CVSP EIR NOP Comments

Why I am sending this message in the subject line.
First three lines - What I want you to do. When I need it by.

Darryl D. Boyd, AICP

Principal Planner
City of San Jose, CA
Dept. of Planning, Building & Code Enforcement
Voice - (408) 277-8513; Main (408) 277-4576
email: darryl.boyd@sanjoseca.gov

NOTE OUR NEW ADDRESS as of August 22, 2005:

City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

-----Original Message-----

From: Brian Schmidt [<mailto:brian@greenfoothills.org>]
Sent: Friday, July 01, 2005 5:52 PM
To: darryl.boyd@sanjoseca.gov
Subject: CVSP EIR NOP Comments

Please see the attached comments for the CVSP EIR NOP, and please contact me with any questions.
The July 1 document is the main document, and the other two files are attachments to the July 1 letter.

Best,
Brian

Brian Schmidt

Santa Clara County Legislative Advocate
Committee for Green Foothills
www.GreenFoothills.org * Phone 650-968-7243 * Fax 650-968-8431

We're blogging! Check out www.GreenFoothills.org/blog.



July 1, 2005

Darryl Boyd
Department of Planning
Building and Code Enforcement
City of San Jose
801 N. First St., Rm 400
San Jose CA 95110-1795

Re: Comments on the Coyote Valley NOP

Dear Mr. Boyd,

The Committee for Green Foothills submits the following comments on the NOP for the Coyote Valley Environmental Impact Report:

- We reaffirm our March 4, 2005 letter to San Jose regarding Coyote Valley (attached), and we request that the DEIR address the letter's concerns.
- Current development "triggers" found in the San Jose General Plan that restrict residential development in San Jose must be included as part of the environmental baseline for assessing the project's impacts.
- Any changes to development triggers that function as replacements, in whole or in part, of these triggers must be analyzed in the DEIR. Analyzing changed triggers separately would constitute improper segmentation of the project.
- In light of the California Supreme Court's depublication of *Friends of the Kangaroo Rat v. California Dept. of Corrections* (2003) 111 Cal.App.4th 1400, the City should consider agricultural preservation as a feasible mitigation for the loss of agricultural land. Preservation should be at least at a one-acre-for-one-acre ratio. Preservation in Coyote Valley Greenbelt is preferable, but preserving farmlands in other areas of Santa Clara County should also be considered for purposes of determining feasible mitigation.
- For purposes of examining the project's effect on housing demand, the number of employed residents per residence should be determined based on the size of anticipated residences, not simply a County-wide or City-wide average that reflect larger residences than will be found in Coyote Valley.
- The NOP referenced 3,000 additional jobs will be expected beyond the 50,000 figure for retail and government support work. This contrasts with the City's own transportation consultant, who had stated at a Coyote Valley Technical Advisory Committee meeting in 2004 that the 50,000 jobs would produce an additional 17% more support jobs. The DEIR should address which of these two figures is correct and give the reasons why, for purposes of determining housing demand.
- The DEIR should identify the amount secondary jobs created outside of Coyote Valley as a result of the business brought to the area at buildout, for purposes of identifying housing demand created by the project.
- The DEIR should consider the net effect of other development projects on housing demand, and specifically address the housing demand concerns expressed in our December 20, 2004 letter (attached).

- The DEIR should address growth inducing and cumulative impacts from the project, especially in relation to the net increase in housing demand from the 50,000 jobs, whatever number that is correct for retail and government jobs, and the secondary jobs created outside of Coyote Valley. This analysis should extend beyond San Jose to all of Santa Clara County, as well as all neighboring counties and to Monterey County.
- The DEIR should address the effect of nitrogen deposition on nearby serpentine soils habitat from development in Coyote Valley, including that coming from increased congestion on Highway 101.
- The DEIR should address how it will conform to the planned County-wide HCP. We suggest a mitigation statement to the effect that "all aspects of the CVSP are subject to change based on the requirements of the forthcoming County-wide HCP." The DEIR should justify any statement of conformance to the future HCP that is less sweeping.
- The DEIR should examine the feasibility of an east-west wildlife migration corridor in the vicinity of the North Coyote area and Tulare Hill, as a mitigation for impacts to wildlife. This examination should include the elimination or relocation of the athletic fields north of Tulare Hill.
- The DEIR should address a wider floodplain for Fisher Creek as an alternative flood storage mechanism than the proposed Coyote Valley Lake, as well as consideration for mitigation of various biological impacts.
- The DEIR should address an empty greenfield as an alternative to the Coyote Valley Lake for flood-control purposes. This greenfield was described by City consultants in early CVSP Task Force meetings.
- The DEIR should address potential spread of perchlorate contamination as it might affect water supplies.

Please contact me if you have any questions.

Sincerely,



Brian A. Schmidt
Legislative Advocate, Santa Clara County



Santa Clara Valley
Audubon Society
Founded 1926



Loma Prieta Chapter



COMMITTEE FOR
GREEN FOOTHILLS

March 4, 2005

Susan Walsh
San Jose Planning Staff
Fax (408) 277-3250

Dear Susan:

We are responding to your request for comments on the CSVP EIR/Alternatives approach, due March 4, 2005. We are very pleased that San Jose is developing a list of alternatives prior to the official scoping process for the EIR. This is a critical step in offering a more inclusive and constructive approach to ensuring that the EIR will consider the full range of reasonable alternatives that can meet both political and environmental criteria. These comments focus on the alternatives, and we will provide general EIR comments as the process moves forward.

Not only does CEQA require the City to consider the full range of reasonable alternatives, it also establishes the public expectation that a true set of choices is provided, not one that locks decision-makers into a single entity's preferred alternative. We have seen many poorly designed EIRs and offer the following advice to help San Jose ensure that they avoid making these mistakes.

Politically-unrealistic EIRs are ones that contrast the preferred alternative with options that have no chance of being chosen. In this case, one option will be created that is so grossly out of scale with the project concept that the preferred alternative looks good by comparison. Another option will be so small that it will not accomplish the project objectives, also making the preferred alternative appear reasonable. A third option could be provided that so thoroughly skews the project concept that it will be seen as clearly unacceptable.

Minor variations only EIRs typically propose a preferred alternative and two other alternatives that differ only somewhat from the preferred alternative, with one being slightly more developed and the other being slightly less developed.

We fully expect the alternatives to be presented in the Coyote Valley EIR will offer a range from a maximally environmentally friendly approach to one that would be viewed with less enthusiasm by the environmental community. Given the reduced pressure for development that the city and county are currently experiencing it is an opportune time for a more thorough and reasoned approach to planning for Coyote Valley.

We offer the following two additional alternative concepts for your consideration:

Central San Jose/North First Street development instead of Coyote Valley: there are two variations on this option. First, the City could consider proposals that are currently under discussion to provide additional jobs and housing in Downtown San Jose and North First Street as a substitute for the proposal to put over 50,000 jobs and 25,000 homes in Coyote Valley. City staff has said that in thirty years or more there will be a need for office space that exceeds the proposals discussed for Central San Jose (including North First

Susan Walsh
March 4, 2005

Street). We do not believe the City needs more than ten years to plan future development, so whatever need the City currently speculates it will develop in 20 to 40 years does not justify eliminating the option now of preserving Coyote Valley as a rural area. The City should keep its option open of preserving Coyote Valley until it knows that option no longer makes sense, rather than rushing now to embrace unneeded sprawl.

If for some reason the City believes it cannot use the existing proposals for Central San Jose as an alternative to Coyote Valley, it could consider as a variation of this alternative that the 50,000 jobs and 25,000 homes be added to Central San Jose in addition to the currently proposed development. The level of development the City suggested would accompany BART's extension to downtown San Jose would likely have been far greater than adding Coyote-Valley level of development to current proposals, so this would not constitute an unreasonable proposal.

The City could consider either using existing proposals or new proposals in Central San Jose as alternatives to Coyote Valley, and it could also consider both in the EIR as separately-considered alternatives.

Delayed-start Coyote Valley: this option would anticipate eventual build-out of Coyote Valley, but acknowledge that Central San Jose should take priority.¹ This would involve changing the "triggers" in the General Plan either by adding a fixed date before the Specific Plan, annexation, and residential construction would come into effect, or by adding new triggers to the existing ones, with the new triggers requiring substantial levels of additional development occur first in Central San Jose.

In addition to the above alternatives, we continue to support consideration of an alternative based on Greenbelt Alliance's *Getting It Right* proposal. Failing to include these reasonable alternatives would substantially impair planning for Coyote Valley and could result in an EIR that violates CEQA by failing to provide a reasonable range of alternatives. We urge the City to include them. Please contact us if you have any questions.

Sincerely,



Brian A. Schmidt
Legislative Advocate, Santa Clara County

Brenda Torres-Barreto
Executive Director
Santa Clara Valley Audubon Society



Melissa Hippard,

¹ Our support for considering this alternative does not change our basic position that Coyote Valley should not be developed.

Susan Walsh
March 4, 2005

Director
Sierra Club Loma Prieta Chapter



COMMITTEE FOR
GREEN FOOTHILLS

December 20, 2004

Members of the CVSP Task Force
Department of Planning
Building and Code Enforcement
City of San Jose
801 N. First St., Rm 400
San Jose CA 95110-1795

Re: future changes to San Jose's jobs-housing balance, and farmland mitigation requirements

Dear CVSP Task Force Members,

Sal Yakubu asked me to give him the information I mentioned in the most recent Technical Advisory Committee meeting, and I would like to pass this on directly to the Task Force as well. Developing Coyote Valley together with the proposed North First Street development suggests that the City will have more jobs than employed residents, a significant environmental impact. Second, the California Supreme Court recently "depublished" an appellate court case stating there is no need to purchase mitigation for the loss of farmland, which is a strong indication that San Jose will have to require the purchase of agricultural conservation easements in the CVSP EIR.

Attached are excerpts from the Association of Bay Area Governments "Projections 2003" document. They show a fairly consistent surplus of 85,000 employed San Jose residents relative to San Jose jobs for the next 20 years. San Jose's plan to create 50,000 "industry leading" jobs, plus a still-completely-unknown number of support jobs in Coyote Valley, plus an unknown number of additional jobs in the rest of San Jose, is only partially balanced by planned construction of 25,000 residences. A reasonable estimate would conclude that a job demand of 65,000 positions would be created, while Coyote Valley's housing supply would only accommodate 35,000 employed residents. The effect then is to reduce San Jose's employed resident "surplus" from 85,000 to 55,000. Meanwhile, the proposed North First Street development plans to accommodate over 100,000 new jobs while providing just 25,000 residences. North First Street will create 60,000 more jobs than housed residents. Together, Coyote Valley plus North First Street will create a net deficit in housing versus jobs in San Jose, making the city much like the Peninsula cities that have been criticized for not shouldering their housing responsibilities.

While the above does not take into account other housing projects, it also does not consider other job and business development projects. The implication is that San Jose is not just harming the regional housing balance, but creating significant housing problems within the City itself.

Sal and I also discussed the responsibility to mitigate the loss of farmland through agricultural preservation of nearby farmland. It is my understanding that the City has previously argued preserving existing farmland does not mitigate the loss of other farmland. The California Supreme Court recently depublished an appellate court opinion that adopted an identical argument to the City's, *Friends of the Kangaroo Rat v. California Dept. of Corrections* (2003) 111 Cal.App.4th 1400. Depublication means the opinion cannot be used as legal precedent, and is a strong indication that the Supreme Court disagrees with the legal reasoning. This indicates that the City should require mitigation for the loss of agricultural land.

COMMITTEE FOR
GREEN FOOTHILLS

3921 E. Bayshore Road
Palo Alto, CA 94303

650.968.7243 PHONE
650.968.8431 FAX

info@GreenFoothills.org
www.GreenFoothills.org

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian Schmidt".

Brian A. Schmidt
Legislative Advocate, Santa Clara County

Mena, Michael

From: Boyd, Darryl
Sent: Wednesday, July 06, 2005 10:10 AM
To: Jodi Starbird (E-mail); Mena, Michael
Cc: Yakubu, Salifu
Subject: FW: CVSP EIR NOP Comments

Why I am sending this message in the subject line.
First three lines - What I want you to do. When I need it by.

Darryl D. Boyd, AICP

Principal Planner
City of San Jose, CA
Dept. of Planning, Building & Code Enforcement
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email: darryl.boyd@sanjoseca.gov

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200 East Santa Clara Street
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Best,
Brian

Brian Schmidt

Santa Clara County Legislative Advocate
Committee for Green Foothills
www.GreenFoothills.org * Phone 650-968-7243 * Fax 650-968-8431

We're blogging! Check out www.GreenFoothills.org/blog.



July 1, 2005

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Department of Planning
Building and Code Enforcement
City of San Jose
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San Jose CA 95110-1795

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Please contact me if you have any questions.

Sincerely,



Brian A. Schmidt
Legislative Advocate, Santa Clara County



Santa Clara Valley
Audubon Society
Founded 1926



SIERRA
CLUB
FOUNDED 1892

Loma Prieta Chapter



COMMITTEE FOR
GREEN FOOTHILLS

March 4, 2005

Susan Walsh
San Jose Planning Staff
Fax (408) 277-3250

Dear Susan:

We are responding to your request for comments on the CSVP EIR/Alternatives approach, due March 4, 2005. We are very pleased that San Jose is developing a list of alternatives prior to the official scoping process for the EIR. This is a critical step in offering a more inclusive and constructive approach to ensuring that the EIR will consider the full range of reasonable alternatives that can meet both political and environmental criteria. These comments focus on the alternatives, and we will provide general EIR comments as the process moves forward.

Not only does CEQA require the City to consider the full range of reasonable alternatives, it also establishes the public expectation that a true set of choices is provided, not one that locks decision-makers into a single entity's preferred alternative. We have seen many poorly designed EIRs and offer the following advice to help San Jose ensure that they avoid making these mistakes.

Politically-unrealistic EIRs are ones that contrast the preferred alternative with options that have no chance of being chosen. In this case, one option will be created that is so grossly out of scale with the project concept that the preferred alternative looks good by comparison. Another option will be so small that it will not accomplish the project objectives, also making the preferred alternative appear reasonable. A third option could be provided that so thoroughly skews the project concept that it will be seen as clearly unacceptable.

Minor variations only EIRs typically propose a preferred alternative and two other alternatives that differ only somewhat from the preferred alternative, with one being slightly more developed and the other being slightly less developed.

We fully expect the alternatives to be presented in the Coyote Valley EIR will offer a range from a maximally environmentally friendly approach to one that would be viewed with less enthusiasm by the environmental community. Given the reduced pressure for development that the city and county are currently experiencing it is an opportune time for a more thorough and reasoned approach to planning for Coyote Valley.

We offer the following two additional alternative concepts for your consideration:

Central San Jose/North First Street development instead of Coyote Valley: there are two variations on this option. First, the City could consider proposals that are currently under discussion to provide additional jobs and housing in Downtown San Jose and North First Street as a substitute for the proposal to put over 50,000 jobs and 25,000 homes in Coyote Valley. City staff has said that in thirty years or more there will be a need for office space that exceeds the proposals discussed for Central San Jose (including North First

Susan Walsh
March 4, 2005

Street). We do not believe the City needs more than ten years to plan future development, so whatever need the City currently speculates it will develop in 20 to 40 years does not justify eliminating the option now of preserving Coyote Valley as a rural area. The City should keep its option open of preserving Coyote Valley until it knows that option no longer makes sense, rather than rushing now to embrace unneeded sprawl.

If for some reason the City believes it cannot use the existing proposals for Central San Jose as an alternative to Coyote Valley, it could consider as a variation of this alternative that the 50,000 jobs and 25,000 homes be added to Central San Jose in addition to the currently proposed development. The level of development the City suggested would accompany BART's extension to downtown San Jose would likely have been far greater than adding Coyote-Valley level of development to current proposals, so this would not constitute an unreasonable proposal.

The City could consider either using existing proposals or new proposals in Central San Jose as alternatives to Coyote Valley, and it could also consider both in the EIR as separately-considered alternatives.

Delayed-start Coyote Valley: this option would anticipate eventual build-out of Coyote Valley, but acknowledge that Central San Jose should take priority.¹ This would involve changing the "triggers" in the General Plan either by adding a fixed date before the Specific Plan, annexation, and residential construction would come into effect, or by adding new triggers to the existing ones, with the new triggers requiring substantial levels of additional development occur first in Central San Jose.

In addition to the above alternatives, we continue to support consideration of an alternative based on Greenbelt Alliance's *Getting It Right* proposal. Failing to include these reasonable alternatives would substantially impair planning for Coyote Valley and could result in an EIR that violates CEQA by failing to provide a reasonable range of alternatives. We urge the City to include them. Please contact us if you have any questions.

Sincerely,



Brian A. Schmidt
Legislative Advocate, Santa Clara County

Brenda Torres-Barreto
Executive Director
Santa Clara Valley Audubon Society



Melissa Hippard,

¹ Our support for considering this alternative does not change our basic position that Coyote Valley should not be developed.

Susan Walsh
March 4, 2005

Director
Sierra Club Loma Prieta Chapter



COMMITTEE FOR
GREEN FOOTHILLS

December 20, 2004

Members of the CVSP Task Force
Department of Planning
Building and Code Enforcement
City of San Jose
801 N. First St., Rm 400
San Jose CA 95110-1795

Re: future changes to San Jose's jobs-housing balance, and farmland mitigation requirements

Dear CVSP Task Force Members,

Sal Yakubu asked me to give him the information I mentioned in the most recent Technical Advisory Committee meeting, and I would like to pass this on directly to the Task Force as well. Developing Coyote Valley together with the proposed North First Street development suggests that the City will have more jobs than employed residents, a significant environmental impact. Second, the California Supreme Court recently "depublished" an appellate court case stating there is no need to purchase mitigation for the loss of farmland, which is a strong indication that San Jose will have to require the purchase of agricultural conservation easements in the CVSP EIR.

Attached are excerpts from the Association of Bay Area Governments "Projections 2003" document. They show a fairly consistent surplus of 85,000 employed San Jose residents relative to San Jose jobs for the next 20 years. San Jose's plan to create 50,000 "industry leading" jobs, plus a still-completely-unknown number of support jobs in Coyote Valley, plus an unknown number of additional jobs in the rest of San Jose, is only partially balanced by planned construction of 25,000 residences. A reasonable estimate would conclude that a job demand of 65,000 positions would be created, while Coyote Valley's housing supply would only accommodate 35,000 employed residents. The effect then is to reduce San Jose's employed resident "surplus" from 85,000 to 55,000. Meanwhile, the proposed North First Street development plans to accommodate over 100,000 new jobs while providing just 25,000 residences. North First Street will create 60,000 more jobs than housed residents. Together, Coyote Valley plus North First Street will create a net deficit in housing versus jobs in San Jose, making the city much like the Peninsula cities that have been criticized for not shouldering their housing responsibilities.

While the above does not take into account other housing projects, it also does not consider other job and business development projects. The implication is that San Jose is not just harming the regional housing balance, but creating significant housing problems within the City itself.

Sal and I also discussed the responsibility to mitigate the loss of farmland through agricultural preservation of nearby farmland. It is my understanding that the City has previously argued preserving existing farmland does not mitigate the loss of other farmland. The California Supreme Court recently depublished an appellate court opinion that adopted an identical argument to the City's, *Friends of the Kangaroo Rat v. California Dept. of Corrections* (2003) 111 Cal.App.4th 1400. Depublication means the opinion cannot be used as legal precedent, and is a strong indication that the Supreme Court disagrees with the legal reasoning. This indicates that the City should require mitigation for the loss of agricultural land.

COMMITTEE FOR
GREEN FOOTHILLS

3921 E. Bayshore Road
Palo Alto, CA 94303

650.968.7243 PHONE
650.968.8431 FAX

info@GreenFoothills.org
www.GreenFoothills.org

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian Schmidt".

Brian A. Schmidt
Legislative Advocate, Santa Clara County

Mena, Michael

From: Boyd, Darryl
Sent: Wednesday, July 06, 2005 10:09 AM
To: Jodi Starbird (E-mail); Mena, Michael
Cc: Yakubu, Salifu
Subject: FW: County of Santa Comments on CVSP EIR NOP



County NOP
comments.pdf

Darryl D. Boyd, AICP
Principal Planner
City of San Jose, CA
Dept. of Planning, Building & Code Enforcement
Voice - (408) 277-8513; Main (408) 277-4576
email: darryl.boyd@sanjoseca.gov

> NOTE OUR NEW ADDRESS as of August 22, 2005:
> City of San Jose
> 200 East Santa Clara Street
> San Jose, CA 95113-1905
>

-----Original Message-----

From: Lizanne.Reynolds@cco.sccgov.org
[mailto:Lizanne.Reynolds@cco.sccgov.org]
Sent: Friday, July 01, 2005 5:39 PM
To: Darryl.Boyd@sanjoseca.gov
Subject: County of Santa Comments on CVSP EIR NOP

Darryl -

Attached are the County of Santa Clara's comments on the Coyote Valley Specific Plan EIR Notice of Preparation. I am also mailing them to you via interoffice mail.

I hope you're doing well.

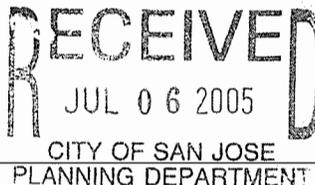
Lizanne

(See attached file: County NOP comments.pdf)

County of Santa Clara

Office of the County Executive

County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-5105



July 1, 2005

City of San Jose
Attn: Darryl Boyd
801 North First Street, Room 400
San Jose, CA 95110-1795

**Re: Comments on Notice of Preparation for Coyote Valley Specific Plan
Project Environmental Impact Report (City File No. PP 05-102)**

Dear Mr. Boyd:

The County of Santa Clara has serious concerns about the potential environmental impacts of the Coyote Valley Specific Plan ("CVSP"). Our primary concerns are regarding impacts to County transportation facilities and parks and recreation facilities and related resources. The County Department of Parks and Recreation and the County Roads and Airports Department have prepared detailed comments about these potential impacts and the analyses that should be included in the EIR.

We urge the City to work cooperatively with the County and other affected jurisdictions to address the project's impacts. For example, the County would support the use of cooperative agreements to facilitate the imposition, collection and use of development impact fees to mitigate project impacts to County facilities.

Thank you for the opportunity to provide comments on the EIR's scope. Please contact us if you have any questions about our comments.

Sincerely,

Peter Kutras, Jr.
County Executive

c: Board of Supervisors
Del Borgsdorf

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org



July 1, 2005

City of San Jose
Attn: Darryl Boyd, Principal Planner
801 North First Street, Room 400
San Jose, CA 95110-1795

RE: Notice of Preparation of a Draft EIR for Coyote Valley Specific Plan
File No.: PP 05-102

Dear Mr. Boyd:

The County of Santa Clara has received a copy of the Notice of Preparation (NOP) for the above referenced project, located within the Coyote Valley area in the southern portion of the County. With the projected mix of land uses and densities of jobs, housing, urban services and support facilities where approximately 79% (5,556 of 7,000 acres) of the proposed CVSP development is outside of the City of San Jose's "Urban Service Area (USA)," this proposal constitutes the development of a "new town" in the fringes of the City. As described in the Project Description for the NOP, much of the underlying property is mostly undeveloped, under the jurisdiction of the County. To complete annexation of the CVSP areas into the City of San Jose, the City will require the cooperation of the County, County Local Agency Formation Commission (LAFCO), which controls city formation and expansion, and other regional oversight agencies.

This project will significantly alter existing land use patterns in the project area where principal designations for privately owned lands are Hillside, Ranchlands, Agriculture, and Rural Residential and where typical densities of development range from 20 to 160 acres per parcel, depending on the designation. The proposed CVSP Plan estimates that the new town will ultimately provide approximately 27,000 new housing units and workplaces for approximately 50,000 industry-driving/businesses, and support between 3,000 to 5,000 government/retail/other jobs. The County believes the number of government/retail/other jobs estimate is too low (see comments of County Roads and Airports Department). But even with the City's projected numbers, the CVSP development, with typical densities of 19.8 and 21.6 acres per unit, will have a significant impact on the natural resources and rural character in both the immediate area and the overall region.

In accordance with CEQA guidelines to solicit meaningful responses for potential impacts to countywide services and resources, the NOP has been distributed to a range of County Departments for review and comment. The Santa Clara County Parks and Recreation Department ("Parks Department") has reviewed the NOP for the CVSP DEIR project and submits the following comments:

A. Need for Additional Information in the EIR: Description of the Project

Under the “Description of the Project” (Section E), the NOP lists discretionary actions to be taken by the City of San Jose to achieve the Development Goals of the CVSP. The DEIR for the CVSP should include a complete list of these actions, including actions by the City to adopt a Resolution of Findings, certify the CVSP EIR, and adopt a Mitigation and Monitoring Plan. The DEIR should also provide an outline of the regulatory permits from Federal, State, or local agencies that the City of San Jose will be required to obtain or take action on prior to development of any phase of the project.

B. Need for Additional Information in the EIR: Proposed Development

Under the “Proposed Development” section of the NOP (Section E), the NOP states that “the character and design of the public realm would be defined with reasonable certainty and endure the changes that are bound to occur on private property during the project 30 to 40 year build-out of the community.” The CVSP Land Use Plan, included in the NOP, proposes types of uses and ranges of density that will ultimately contain 27,000 new housing units and workplaces for 50,000 industry-driving/business jobs and 3,000 to 5,000 government/retail/other jobs. It is therefore feasible to project with a reasonable degree of accuracy the type of public infrastructure that will be needed for the CVSP at build-out, including but not limited to future roadways/over crossings, public transit, trails, utilities, stormwater management, floodplain modification, wastewater treatment, parks, schools, community services, and local government agency support. The DEIR should provide sufficient details to allow for a “meaningful response” as required by CEQA (CEQA Guideline §15082) for the projected infrastructure at build-out of the CVSP, to allow the Parks Department and other local agencies the opportunity to fully access the impact of the project on County resources over time.

C. Need for EIR to recognize the regional importance of Coyote Creek County Park

Coyote Creek County Park (also known as “Coyote Creek Park Chain” and “Coyote Creek Parkway”) is one of the most significant publicly-owned recreational and open space areas in the region, which extends from Anderson Dam to San Francisco Bay, and traverses from northwest to southeast within the eastern portion of the Greenbelt. Within this 15-mile long linear park chain, the majority of the 800-acres is managed open space. As the principal riparian corridor and centerpiece of the Coyote Creek County Park, the Coyote Creek riparian corridor serves a multitude of functions that are of tremendous benefit to all Santa Clara County residents. These functions include:

- Main stream channel of the Coyote Creek Watershed, draining over 320 square miles of watershed in Santa Clara County;
- Significant freshwater resource for all of Santa Clara County and the San Francisco Bay estuary;
- Main conveyance of public water supply from local reservoirs in the Diablo Range and State water projects in the Central Valley;
- Generalized groundwater basin recharge mechanism for the Santa Clara Valley and the Coyote Valley Ground Water Basins;
- Location of vital managed ground water percolation ponds;



- Location of municipal wells for retail domestic water supply for the City of San Jose, Morgan Hill, and Santa Clara County;
- Primary method of flood water conveyance from the Diablo Range through the Coyote Valley;
- Primary method of storm water retention for waters east of Monterey Highway;
- Location of designated wetlands and biologically diverse riparian habitats;
- Location of habitat for many federal and state listed species of concern;
- Location of wildlife habitat necessary to sustain common species through both seasonal weather cycles and changing life cycles;
- Significant freshwater fisheries and salmonid spawning habitat;
- Location of wildlife movement corridor for resident and migratory species common to the area;
- Location of regionally significant trail corridors for both historic, recreational, and alternative transportation reasons;
- Location of recreational uses unique to the County;
- Location of historically significant structures;
- Location of prime agricultural soils;
- Location of buffer zones between incompatible land uses and natural areas, and
- Attenuation of traffic noise from Highway 101.

The DEIR should recognize the regional importance of Coyote Creek County Park and its functions, consider how the proposed CVSP will impact these functions, and seek solutions to avoid or mitigate these impacts to a less than significant level.

D. Need for EIR to Consider Performance-Based Buffers for Coyote Creek

As demonstrated, Coyote Creek represents a regionally significant resource. Existing City of San Jose Riparian policies have not always had the intended effect in protecting local rivers. For example, on Coyote Creek in the Edenvale Redevelopment Area north of Metcalf Avenue and on the Guadalupe River, where industrial, commercial, and residential development has been allowed to encroach into recommended setbacks. In many instances, setbacks have not been provided to protect the riparian corridor, allow natural stream processes to occur, or protect necessary adjacent upland.

The Parks Department supports the Santa Clara Valley Water District's recommendations calling for the DEIR's evaluation of the City's riparian setback requirements for the Coyote Creek corridor, and for the establishment of a performance-based riparian corridor policy where impacts of proposed development on all functions, uses, and values of a riparian corridor are considered and mitigated. To adequately avoid or mitigate the project's impacts, the City must develop adequate buffer areas adjacent to Coyote Creek and Fisher Creek as part of the CVSP and include a recommendation for performance-based buffers in the DEIR evaluation (*See May 27, 2005 Letter from Vincent Stephens, PE, SCVWD Community Project Review Unit, to Darryl Boyd, City of San Jose Department of Planning, Building, and Code Enforcement*)

Appropriate performance-based riparian corridor setbacks achieve multiple goals, including but

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County Executive: Peter Kutas, Jr.



not limited to compliance with the following:

- Federal Clean Water Act,
- Federal Endangered Species Act,
- State Fish and Game Code
- Protection of the 100-year FEMA Floodplains,
- Santa Clara Valley Water District's Guiding Principles,
- San Francisco Regional Water Quality Control Board's Basin Plan recommendation for streams in the San Francisco Bay Region,
- Santa Clara County Parks and Recreation Department's Strategic Plan Vision that was adopted by the County Board of Supervisors,
- Santa Clara County Parks and Recreation Department's Coyote Creek Parkway County Park Integrated Master Plan and Natural Resources Management Plan Vision and Fundamental Guidelines;
- City of San Jose's own stated desire for the CVSP to "create a model community based upon innovative land planning and design...which involves a shift from a land planning driven process to one that evolves from the existing natural environment..."

By integrating long-range natural resource planning into the CVSP project, the City can protect and enhance Coyote Creek. By integrating long-range natural resource planning into the CVSP, the City can also avoid short-term land-use decisions that often require expensive and sometimes ineffective long-term solutions to mitigate the unavoidable significant impacts and regionally cumulative impacts of large development projects.

E. Need to Avoid Environmental Impacts on the Coyote Creek County Park

As currently proposed, the CVSP will have significant impact on Coyote Creek County Park and the functions it provides. The CVSP land use plan and development standards for the Urban Reserve area adjacent to the park chain must in general **avoid** any significant and cumulative impacts of development on the riparian creek habitats, hydrological functions, special status species, adjacent land uses, recreational opportunities, the quality of the recreational and open space experience for park users, and cross-valley connectivity. Effective mitigation measures must be developed for the unavoidable impacts.

Of the 18 categories of potential environmental impact listed in the NOP, the Parks Department has identified 5 categories in which the CVSP will have significant impacts on Coyote Creek County Park and the functions it provides. Those categories are:

- Land Use
- Transportation
- Air Quality
- Noise
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hydrology, Hydrogeology and Water Quality
- Hazardous Materials



- Utilities and Service Systems
- Aesthetic/Visual Resources
- Recreation
- Agricultural Resources
- Alternatives to the Project
- Cumulative Impacts

A detailed description of these significant impacts to Coyote Creek County Park, recommended mitigations for these impacts, and potential alternatives are provided below and should be included in the CVSP DEIR for review and evaluation.

(1) LAND USE

A. The CVSP DEIR should address compliance with the policies, design standards and guidelines that are contained in the following County policy plans, maps and statements:

- *The City of San Jose and County of Santa Clara jointly-approved Coyote River Policy Statement (1969)* “where the continuity of riding, hiking, and bicycle trails throughout the park would be assured, park design would be coordinated with the Santa Clara County Flood Control and Water Conservation District and that all outdoor recreation would be compatible with the natural resources of the area.”
- *Santa Clara County Countywide Trails Master Plan Update (1995)* that promotes a countywide trails system that provides opportunities for safe, uninterrupted, non-motorized access to Coyote Creek County Park and other regional parklands and trails.
- *Santa Clara County Uniform Inter-jurisdictional Trail Design, Use and Management Guidelines (1997)* adopted by the Board of Supervisors, that provides a consistent set of guidelines for various jurisdictions and private developers who design and manage trails and associated amenities in the urban areas of Santa Clara County.
- Program Document for the *Integrated Master Plan / Natural Resources Management Plan* for the Coyote Creek Parkway County Park (June 2005).
- County of Santa Clara General Plan (1995-2010)
- Regional Parks, Trails and Scenic Highways Map of the County General Plan’s Parks and Recreation Element (October 1981)
- County of Santa Clara Riparian Corridor Study (June 2003)
- *Open Space Preservation: A Program for Santa Clara County*: Report of the Preservation 2020 Task Force (April 1987)
- *South County Joint Planning Program*: Advisory Committee Recommendations (September 1986)
- *Santa Clara County Open Space Authority Five-Year Plan* (June 1996)

B. The DEIR should evaluate proposed encroachments upon Coyote Creek County Park and planned infrastructure improvements on County-owned for consistency with State laws, the County Charter, and applicable County policies. The DEIR should also evaluate what proposed actions may require the discretionary action of the County Board of Supervisors for final implementation.



- Proposed infrastructure improvements, grading, and location of public services on County-owned property (e.g. Monterey Road realignment at the terminus of the CVSP Central Commons, freeway off-ramps, detention basins, neighborhood facilities, etc.) that are planned on County-owned parklands must be evaluated for their compliance with the Public Resources Code governing the disposal of publicly-owned parklands for non-park purposes.
- Proposed infrastructure improvements, grading and public services on County-owned parklands for support of the development of the CVSP should be evaluated for compliance to the State Parks Preservation Act, which requires, at a minimum, replacement of parkland to the County in like kind and not simple financial compensation.
- Proposed infrastructure improvements, grading and public services on County-owned parklands should be evaluated for compliance with the County Charter. Lands along Coyote Creek were purchased with the County's Park Charter Funds, a restricted fund approved by the County voters which designated a portion of the County's General Fund to be set aside for acquisition of parklands for specific open space benefit to current and future County residents.
- Proposals to use or convert public parklands for proposed infrastructure improvements, grading and public services should be evaluated as acceptable to the overall goals, policies, and guidelines of the County. The County's Board of Supervisors has the ultimate authority to approve any change in land use on County-owned lands, and no mitigations (e.g. location of off-site mitigations on County-owned lands) should be proposed in the DEIR that rely upon the discretionary action of another governing body.
- Expansion of the Urban Service Area would impact other adjacent land uses, such as impeding the continuation of agricultural uses and the economic viability of agriculture on adjacent lands in the CVSP project area (e.g. South Coyote Greenbelt area). Evaluate the impacts on existing agricultural lands located south of Palm Avenue within the South Coyote Greenbelt Area that would be adversely impacted by the incompatible land uses of the CVSP project. Address the implementation challenges of the CVSP and resulting land use impacts on the Greenbelt area as identified in the Final Report for the Coyote Valley Specific Plan Greenbelt Research, completed by SAGE for the City of San Jose Department of Planning, Building and Code Enforcement (June 2005).
- Proposed ballfields and sportsfields that will be located on the south side of Palm Avenue within the Greenbelt area should be evaluated in the DEIR at a project-level. The proposed recreational use facility is considered a high-intensity urban use that will result in potentially adverse impacts to the adjacent rural residential areas, agricultural land uses, and etc. Address the site-specific impacts of the proposed ballfields and sportsfields (e.g. nighttime lighting, traffic and circulation, noise impacts and etc.) within the Greenbelt area on the adjacent Greenbelt land uses.

C. The DEIR should evaluate the project's consistency with the Parks and Recreation

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County Executive: Peter Kutas, Jr.



Element of the County of Santa Clara General Plan and *Santa Clara County Countywide Trails Master Plan Update*, including the following relevant land use policies:

- **C-PR 20:** A countywide system of trails offering a variety of user experiences should be provided that includes: trails within and between parks and other publicly-owned open space lands; trails that provide access from the urban area to these lands; trails that connect to trails of neighboring counties; trails that connect to transit facilities; trails that give the public environmentally superior alternative transportation routes and methods; trails that close strategic gaps in non-motorized transportation routes; trails that offer opportunity for maintaining personal health; trails that offer opportunities for outdoor education and recreation; and trails that could serve as emergency evacuation routes.
- **C-PR 20.1:** Trail access should be provided for a range of user capabilities and needs in a manner consistent with State and Federal regulations.
- **C-PR 23:** Trail routes shall be located, designed and developed with sensitivity to their potential environmental, recreational and other impacts on adjacent lands and private property.
- **C-PR 24:** Trails shall be located to recognize the resources and hazards of the areas that they traverse, and to be protective of sensitive habitat areas such as wetland and riparian corridors and other areas where sensitive species may be adversely affected.
- **C-PR 28.3:** In coordination with the County Parks and Recreation Department, cities, public entities, organizations and private citizens should be encouraged to implement the trails plan where practical and feasible.
- **C-PR 29.1:** Trails shall be considered as development projects when on private land.
- **C-PR 30.1:** Levels-of-use and types-of-use on trails shall be controlled to avoid unsafe use conditions or severe environmental degradation.
- **C-PR 31:** Use of motorized vehicles on trails shall be prohibited, except for wheelchairs, maintenance, and emergency vehicles.
- **C-PR 32:** All trails should be marked. Signed information should be provided to encourage responsible trail use. Appropriate markers should be established along historically significant trail routes.
- **C-PR 33.3:** Trail planning, acquisition, development and management of trail routes shown on the Countywide Trails Master Plan map should be coordinated among the various local, regional, state and federal agencies which provide trails or funding for trails.

D. The DEIR should evaluate the consistency of the CVSP's proposed plans for a Fisher Creek wildlife corridor and multi-use trail system within the Coyote Greenbelt (South Coyote area that will remain as unincorporated lands south of Palm Avenue), with the *County of Santa Clara General Plan policies* for Resource Conservation for the Coyote Creek and Fisher Creek Riparian Habitats, including the following relevant land use policies:

- **R-RC 31:** Natural streams, riparian areas, and freshwater marshes shall be left in their natural state providing for percolation and water quality, fisheries, wildlife habitat, aesthetic relief, and educational or recreational uses that are environmentally compatible. Streams that may still provide spawning areas should be protected from pollution and development impacts, which would degrade the quality of the stream



environment.

- **R-RC 32:** Riparian and freshwater habitats shall be protected through the following general means:
 - Setback of development from the top of the bank;
 - Regulation of tree and vegetation removal;
 - Reducing or eliminating use of herbicides, pesticides, and fertilizers by public agencies;
 - Control and design of grading, road construction, and bridges to minimize environmental impacts and avoid alteration of streambed and stream banks (free-span bridges and arch culverts, for example); and
 - Protection of endemic, native vegetation.
- **R-RC 33:** Public projects shall be designed to avoid damage to freshwater and stream environments.
- **R-RC 35:** Flood control modifications to be made in streams that have substantial existing natural areas should employ flood control designs which enhance riparian resources and avoid to the maximum extent possible significant alteration of the stream, its hydrology, and its environs.
- **R-RC 37:** Lands near creeks, streams, and freshwater marshes shall be considered to be in a protected buffer area, consisting of the following:
 - 150 feet from the top bank on both sides where the creek or stream is predominantly in its natural state;
 - 100 feet from the top bank on both sides of the waterway where the creek or stream has had major alterations; and
 - In the case that neither (1) nor (2) are applicable, an area sufficient to protect the stream environment from adverse impacts of adjacent development, including impacts upon habitat, from sedimentation, biochemical, thermal and aesthetic impacts.
- **R-RC 38:** Within the aforementioned buffer areas, the following restrictions and requirements shall apply to public projects, residential subdivisions, and other private non-residential development:
 - No building, structure or parking lots are allowed, exceptions being those minor structures required as part of flood control projects.
 - No despoiling or polluting actions shall be allowed, including grubbing, clearing, unrestricted grazing, tree cutting, grading or debris or organic waste disposal, except for actions such as those necessary for fire suppression, maintenance of flood control channels, or removal of dead or diseased vegetation, so long as it will not adversely impact habitat value.
 - Endangered plant and animal species shall be protected within the area.
- **R-RC 39:** Within areas immediately adjacent to the stream buffer area, new development should minimize environmental impacts on the protected buffer area, and screening of obtrusive or unsightly aspects of a project should be considered as a means of preserving the scenic value of riparian areas.
- **R-RC 41:** Where trails and other recreational uses are proposed by adopted plans to be located in the vicinity of streams and riparian areas or reservoirs, trail alignments and other facilities should be placed on the fringe of riparian buffer area or at an



appropriate distance to avoid disturbance of the stream or vegetation.

- Environmental impacts from development or use of the facility shall be effectively mitigated.
- Fencing should not restrict access by wildlife to the stream environment.

E. The DEIR should evaluate the project's consistency with policies and plans for the Santa Clara Countywide Bicycle Plan, adopted by the Santa Clara Valley Transportation Authority (VTA), in evaluating consistency of the proposed Pedestrian/Bicycle/Equestrian Trail Circulation System within the project area.

F. The DEIR should evaluate land use impacts on Coyote Creek County Park. Designating a new land use and developing a new facility on County parklands may not be a compatible with existing park land use, Park Master Plan Vision and Guidelines, or the Parks Department's Strategic Plan Goals and Actions. Analyze proposed CVSP areas for this land use impact and threat of loss of use on adjoining parkland, including but not limited to Planning Areas B, C, D, E, H and M in the CVSP Land Use Plan. For example, the DEIR must evaluate the environmental impacts of placing roadway infrastructure for the realignment of Monterey Road on Coyote Creek County Park lands that are designated as "Regional Parklands" in Planning Area D of the CVSP Land Use Plan.

G. Coyote Creek County Park is one of 61 study areas evaluated in the *Open Space Preservation Report* of the Santa Clara County Preservation 2020 Task Force ("Task Force"), which was approved by the County Board of Supervisors on October 21, 1987. Coyote Creek County Park was rated as one of the top open space preservation priorities (ranked #2 out of 61 study areas evaluated by the Task Force) for park acquisition and expansion. This park was given high priority because of its high resource values and high vulnerability to development. The DEIR should evaluate future recommendations for park and open space acquisition priorities along Coyote Creek County Park that will be developed as part of the Department's *Integrated Master Plan and Natural Resources Management Plan for Coyote Creek Parkway County Park*. It is anticipated that the Department will evaluate lands for future inclusion in Coyote Creek County Park in Fall, 2006. The DEIR should include all relevant Board-adopted policies and plans for future acquisition priority considerations in the Coyote Valley area.

In addition, the DEIR should evaluate the lands between Monterey Road and Coyote Creek as potential mitigation lands to mitigate for the loss of prime agricultural land within the Coyote Valley Urban Reserve. Currently, agricultural mitigation lands are identified for the Greenbelt Area south of Palm Avenue and should include the area east of Monterey Road for permanent open space and agricultural land preservation.

- The DEIR must evaluate consistency of CVSP development with the future acquisition priority considerations identified in the 1981 Regional Parks, Trails and Scenic Highways Map of the County of Santa Clara General Plan, which identifies general locations of potential future park sites. Land area between east Monterey Road and Coyote Creek County Park is identified as "proposed parks" areas in the 1981 General Plan map.
- The DEIR must evaluate consistency of CVSP development with the future open



space priority considerations in Coyote Valley (Study Area #2) identified in the *Open Space Preservation: A Program for Santa Clara County: Report of the Preservation 2020 Task Force* (April 1987).

- The DEIR must evaluate consistency of CVSP development with the future park expansion priority considerations that will be identified in the Department's *Integrated Master Plan and Natural Resources Management Plan for Coyote Creek Parkway County Park, Program Document*.
- The DEIR must evaluate consistency of CVSP development with the Open Space Area recommendations for Coyote Valley in the *Santa Clara County Open Space Authority's 5 Year Plan (1996/97 – 2000/01)*.

(2) TRANSPORTATION

A. The DEIR analysis must evaluate and propose mitigation for circulation and public safety impacts of the proposed roadway realignment to Monterey Road, specifically the significant circulation impacts for park users to access nearby regional park facilities that require public access from Monterey Road. Evaluate the impacts of modifying Monterey Road as well as the other roadway segments within the CVSP area for circulation impacts on Motorcycle County Park, Field Sports County Park, Coyote Creek County Park, including the privately-leased facilities on County parklands. These facilities include Coyote Ranch (located at Metcalf Road/Coyote Ranch Road), Parkway Lakes (located at Metcalf Road/Monterey Road), Remote Control Aircraft facility (located off Monterey Road/Ogier Road) and other permitted facilities.

B. The DEIR should evaluate alternative freeway interchange / over crossing designs over Coyote Creek that limit the amount of infrastructure and related impacts on riparian processes and County parkland. In addition, the CVSP design and engineering plans should minimize the number of pilings, piers, other infrastructure requirements, and removal of riparian canopy for future roadways, off-ramps, bridge crossings, etc.

C. The DEIR should evaluate the public safety impacts of the citywide and regional trail connections that are part of the proposed Pedestrian/Bicycle/Equestrian Trail Circulation System in regards to the exposure of trail users to motorized vehicles at planned roundabouts, roadway intersections, Coyote Valley Parkway, along Santa Teresa Boulevard (where there is a planned bikeway), and etc. As part of the evaluation criteria, the DEIR should evaluate planned trail connections for safety, continuity, and accessibility beneath roadway/freeway undercrossings, at interchanges, over/under Monterey Road and the railroad tracks, etc.

D. The DEIR must analyze effective mitigation measures to eliminate conflicts between vehicular traffic and trail users that will be recreating within areas in, adjacent to, or near Coyote Creek County Park as part of all transportation and circulation design criteria.

E. The DEIR must evaluate the traffic and circulation impacts of the proposed Bailey Avenue improvements for "over-the-hill" access and increased traffic on unimproved County roads serving other County park facilities including Calero County Park, Santa Teresa County Park, Almaden-Quicksilver County Park, etc.

F. Any Transportation infrastructure or mitigation measures should be designed to be



consistent with the County's 1997 *Uniform Interjurisdictional Trail Design, Use, and Management Guidelines* to create safe, continuous pedestrian linkages within and from the CVSP project area to the regional parks and open space areas.

(3) AIR QUALITY

A. The DEIR must evaluate and propose feasible mitigations for the potential adverse air quality effects resulting from construction activities and fuel emissions generated from the CVSP project in relation to the six "criteria air pollutants" for which federal and state ambient standards have been established, including ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), suspended particulate matter (PM-10) and lead (Pb). Evaluate and propose feasible mitigations and possible alternatives as part of the DEIR the CVSP's air quality effects on sensitive receptors that include the Coyote Creek riparian corridor and its habitats and health effects on park users and leased facilities within Coyote Creek County Park.

B. Over the long-term, the CVSP will result in increased emissions and/or substantial deterioration of ambient air quality in the area, primarily due to an increase in motor vehicle trips but also due to a variety of stationary sources that serve the various developments within the CVSP area. The DEIR must analyze the impacts of these emissions for Phase I and complete buildout of the CVSP project.

C. The DEIR must analyze the CVSP project's overall contribution to the cumulative air quality effects in the Bay Area region.

D. The DEIR must evaluate air quality impacts of the CVSP project on the surrounding serpentine soils and supporting wildlife habitats (i.e. Bay Checkerspot Butterfly, etc.) within, adjacent to, or near Coyote Creek County Park and eastern foothills of Coyote Valley (e.g. Kirby Canyon, Metcalf Canyon, etc.)

E. The DEIR must evaluate changes to the existing microclimate conditions along Coyote Creek County Park and impacts on the wildlife habitat areas as well as on the park visitors and facilities, resulting from the placement of tall buildings that will alter air movement, moisture, temperature and overall microclimate conditions in the valley floor area.

F. As part of the Air Quality mitigation measures, the DEIR should analyze the capability of adequate buffer areas to separate sensitive habitat areas within, adjacent to, or near Coyote Creek Parkway from urban development to minimize impacts from project-related emissions.

G. As part of the Air Quality mitigation measures, the DEIR should require dust control programs that are consistent with BAAQMD standards for their regional air quality plans.

(4) NOISE

A. The DEIR must evaluate the impacts of increased noise levels to noise-sensitive areas that include Park wildlife habitat areas within, adjacent to, or near Coyote Creek County Park and adjacent to areas of leased Park facilities. Mitigation measures should be developed for environmental impacts of temporary noise levels generated during construction and



permanent noise levels caused by freeway, roadway, transit, etc. and their disturbance on wildlife areas and decreased habitat value within the County Park in the CVSP DEIR.

- B. As part of the Noise mitigation measures, the DEIR should develop and implement standard noise abatement measures for construction work. Standard noise abatement measures should include the following elements: a schedule that minimizes impacts to adjacent noise-sensitive uses, use of the best available noise control techniques wherever feasible, use of hydraulically or electrically powered impact tools when feasible, and location of stationary noise sources equipped with mufflers kept in proper operating conditions, and when possible, equipment shut-off rather than idling.
- C. As part of the Noise mitigation measures, the DEIR should require that no demolition and construction work occur on lands adjacent to Coyote Creek County Park on weekends and holidays.
- D. As part of the Noise mitigation measures, the DEIR should require that demolition and construction work on lands adjacent to Coyote Creek County Park occur only during the hours of 7:00 am to 4:00 pm.
- E. As part of the Noise mitigation measures, the DEIR should require that the Parks Department Director be notified in writing of the start of any construction on lands adjacent to Coyote Creek County Park 14 days prior to the start of work date(s). Notification should also include the dates of the duration of the work and a project contact.

(5) BIOLOGICAL RESOURCES

This section of the DEIR must evaluate and provide mitigations for the environmental impacts to the ecological health of the stream, riparian corridor, plant communities, wildlife habitats, and special status species that occur in the project area (see attached Table of Special Status Species Plants and Wildlife Known to Occur or that May Occur in the Coyote Creek Parkway), adjacent to and within Coyote Creek, Fisher Creek and delineated wetland habitat areas. The DEIR should include the following analyses:

- A. Evaluate and propose feasible mitigations for the loss of individuals or habitat for rare or special status plant or wildlife species found in, adjacent, or near the CVSP project area. Propose mitigation measures for habitat protection (protection of federal and state listed species / species of concern) within, adjacent to or near the proposed project area.
- B. Evaluate and propose feasible mitigations for the loss of a cold water fisheries environment caused by the hydrological changes to the floodplain areas along and adjacent to Coyote Creek. As part of the mitigation measures, propose enhancement measures for the cold water fisheries in Coyote Creek.
- C. Evaluate the encroachment impacts of the CVSP project with potential loss of upland habitat for multiple species (See attached list of species) located within Coyote Valley and adjacent to the Coyote Creek riparian corridor. Analyze biological impacts on upland habitats of adjacent human activities and inability for wildlife dispersal in the encroachment areas.



D. As part of the DEIR evaluation, delineate the extent of riparian and wildlife corridor along Coyote Creek in compliance with standard regulatory agency definitions and in consideration of unique multi-functional resource role played by Coyote Creek in Santa Clara County.

E. Evaluate and propose feasible mitigations for the biological resources impacts of the CVSP project in contributing to additional blockage or disruption of major wildlife migratory corridors and the future fragmentation of Coyote Valley and impacts to species dependent on Coyote Creek for some or all parts of their life cycles.

F. Evaluate and propose feasible mitigations for the biological impacts caused by the loss of habitat quality and viability from adverse impacts resulting from ground water subsidence, surface and groundwater pollution, or human activity from the CVSP project.

G. As part of the mitigation measures, develop measures to preserve, replace and possible expand the riparian and shaded riverine habitat of Coyote Creek.

H. Evaluate and propose feasible mitigations for the impacts of loss of sensitive native plant communities and wildlife populations from the introduction of "exotic" plant species and domestic animals as a result of the increased urbanization from the CVSP project.

I. As part of the mitigation measures, design for and implement permanent buffers and development setbacks for the protection of habitat and recreational uses.

J. Evaluate and propose feasible mitigations for the short-term, immediate and long-term impacts on the riparian vegetation along Coyote Creek corridor from groundwater extractions and subsequent lowering of the groundwater table.

K. Develop and implement a monitoring plan to ensure successful revegetation, planting maintenance and replacement of unsuccessful plantings.

L. Evaluate the potential conflicts between the CVSP's biological impacts with the goals and objectives of the recently-initiated County-wide Habitat Conservation Plan (HCP) and Natural Communities Conservation Plan (NCCP).

M. Evaluate the physical impacts of increased night lighting on Park wildlife within, adjacent to, or near Coyote Creek County Park and adjacent open space areas (e.g. disturbance to nesting raptors, bats or nighttime migration within the riparian corridor). All outdoor night lighting within the CVSP area (e.g. street lighting, residential yard lighting, community facilities' lighting along Coyote Creek corridor, etc.) should be evaluated for impacts on wildlife habitat within the Coyote Creek corridor. As part of the mitigation measures, propose design guidelines that would minimize and/or eliminate night lighting and would not allow outward illumination onto the surrounding Coyote Creek County Park or creek channel areas.

N. Evaluate potential disturbance of active raptor nests along the Coyote Creek corridor from short-term and long-term project construction, in accordance to the federal Migratory Bird Treat Act (16 U.S.C., Section 703, Supp. I, 1989). As part of the mitigation measures for this impact, develop and implement construction schedules which would avoid future breeding seasons and reduce adverse environmental impacts on any raptors nesting within the project area and immediately adjacent to the site (e.g. Coyote Creek).



O. Develop performance-based buffers to protect riparian corridor systems as outlined previously in this NOP response letter.

P. As part of the Biological Resources mitigation measures, develop and implement natural resource protection measures for project impacts. Standard measures include construction scheduling, biological monitoring, erosion and sediment control, use of fencing or other means to protect sensitive resources adjacent to the work area, and re-vegetation. The measures include specific monitoring to resource specialists as well as treatment and reporting procedures. The County requires the City to notify the Parks Department's Natural Resources Management Program Supervisor of the implementation of natural resources protection measures on all lands adjacent to County Parks property.

(6) CULTURAL RESOURCES

Coyote Ranch, also known as Fisher Ranch, is located at the north end of the CVSP Greenbelt area. This site is eligible for the National Register of Historic Places (#0050149) and is a California Point of Interest (SCL-044). The Coyote Ranch is also located immediately adjacent to the sub area of the CVSP of cultural and historic interest known as "The Hamlet." Coyote Ranch includes a Victorian Era house built over the site of an original adobe structure, ranch office, a stone building (original grist mill that may be one of the oldest structures in Santa Clara County) and barns built by the Fisher family. Juan Alvirez, originally granted the Rancho del Refugio de la Laguna Seca (Laguna Seca Rancho) property in 1823, sold 23,040 acres to William Fisher in 1845. The memoirs of Captain John Fremont indicated that he and his troops camped at Fisher Ranch in the spring of 1846. Dating back to the mid-nineteenth century, the large barn was restored in 1992 with grant funds from the Santa Clara County Historical Heritage Commission. Existing structures and the palm tree entry drive of the Ranch are maintained for their cultural and interpretive value by the County Parks Department.

Within the CVSP area, the Coyote Creek Trail is a regional trail of cultural and historic interest. It is designated as the Northern Recreation Retracement Route of the Juan Bautista de Anza National Historic Trail system (Route R1-A). Although the trail route is not coincidental with the actual Anza expedition route, Coyote Creek Trail follows the alignment of the creek and may have the potential for historic archaeological deposits associated with the early Spanish explorers and Rancho owners in the Santa Clara Valley. In addition, several areas of archaeological importance predating the Spanish period of California have been identified in the vicinity.

The DEIR should identify site-specific CVSP components that may significantly impact known and yet undiscovered archaeological and historic resources and develop appropriate mitigation measures for these impacts. More specifically:

A. Implementation of major transportation infrastructure to access Highway 101 and to support the CVSP has the potential to adversely affect the cultural and historical resources setting of Coyote Ranch. As part of the mitigation measures, the DEIR should evaluate alternative designs for transportation structures, roadways, off-ramps, trails, etc. that will reduce or eliminate these impacts.

B. Implementation of the CVSP has the potential to adversely affect the cultural and



historical resources setting of Coyote Ranch and its rural context. As part of the mitigation measures, the DEIR should reduce plan densities and develop design guidelines applicable to the architectural character of the CVSP development in the vicinity of Coyote Ranch and Coyote Creek County Park

C. Implementation of the CVSP has the potential to adversely affect human remains or burial artifacts that could be present along Coyote Creek and within the project area. Subsurface excavation required for construction of the proposed CVSP project could potentially disturb or destroy human remains from both prehistoric and historic time periods. As part of the mitigation measures, the DEIR should propose designs and methods of construction that will reduce or avoid these impacts.

(7) GEOLOGY AND SOILS

The CVSP project site could be subject to strong ground shaking during a moderate to major earthquake and result in increased exposure to people and facilities within Coyote Creek County Park to liquefaction and seismic hazards. The DEIR must analyze potential liquefaction hazards for the proposed CVSP areas adjacent to Coyote Creek County Park, including but not limited to Planning Areas B, C, D, E, H and M in the CVSP Land Use Plan. In particular:

- A. In the event of a major earthquake in the region, seismic ground shaking could potentially expose Park visitors/staff and County property to seismic-related hazards associated with severe structural damage or collapse of nearby CVSP project improvements (e.g. freeway overpasses, buildings and other public infrastructure).
- B. Much of the CVSP infrastructure requirements will involve extensive grading which will result in potential short and long-term erosion impacts. Construction activities may result in short-term and long-term soil erosion problems by altering drainage patterns, traversing existing erosion or landslide areas, and would expose Park visitors and staff to geologic hazards associated with expansive soils that are located within the Coyote Creek corridor.
- C. As part of the Geology and Soils mitigation measures, the DEIR should provide appropriate geologic and hazard assessments and necessary implementation measures to reduce the geohazardous impacts of the CVSP improvements on Coyote Creek County Park. This assessment should, at a minimum, include an analysis of subsurface soils, groundwater depth, and anticipated ground shaking intensities in accordance with CDMG Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California.

(8) HYDROLOGY, HYDROGEOLOGY, AND WATER QUALITY

A. Coyote Creek is a perched channel set above its natural floodplain, where water spillover will flow away from it toward a natural valley low point occurring west of Monterey Road. A railroad berm and concrete median barrier that transects Coyote Valley now prevents waters from migrating west of Monterey Road in high flow events. Much of the floodplain area west of Coyote Creek is proposed for development. The DEIR must do the following:

- Evaluate and provide mitigations for the hydrological impacts to Coyote Creek's stream stability as a result of planned CVSP development adjacent to the creek and downstream of the project area;



- Evaluate and provide mitigations for impacts that may in any way alter the stream channel's natural stream migration and tendency to flow westward in high flow events;
- Evaluate and provide effective mitigations for the impacts of proposed introduction of fill or other material into potential wetlands or other waters of the U.S. adjacent to Coyote Creek and Fisher Creek and the subsequent modification of the 100-year FEMA Flood Hazard Zone within the CVSP area;
- Evaluate and provide effective mitigations for the impacts of proposed introduction of fill or other material into potential wetlands or other waters of the U.S. to the water quality and biotic resources of Coyote Creek and Fisher Creek;
- Evaluate and provide mitigations for impacts to Coyote Creek channel stability and carrying capacity as a result of planned development;
- Identify the extent to which the defined 100-year FEMA floodplain will be modified as a result of the CVSP development, and evaluate the potential exposure of people and structures to flood hazards resulting from CVSP improvements constructed within the FEMA flood hazard zone;
- Identify and evaluate natural flood control and stream protection mitigation measures, such as setbacks and buffer zones that would provide appropriate protection and maintain the long-term stability of Coyote Creek's hydrological processes;
- Identify and evaluate proposed freeway interchanges/over crossing/access road designs adjacent to and over Coyote Creek for impact to stream process. Propose mitigations that will limit the amount of structures and construction in the riparian corridor and avoid related impacts on stream processes.

B. The CVSP area lies over the Coyote Valley Ground Water Sub Basin, an extension of the Santa Clara Ground Water Basin. The Coyote Valley ground water sub basin is composed of unconsolidated alluvial fill to a maximum depth of 500 feet. Runoff from the Coyote Creek watershed recharges the unconfined aquifer from channel bed infiltration and over bank flooding. Groundwater recharge is predominately from percolation of flow in Coyote Creek in the first 5 to 10 miles downstream of Anderson Dam. Groundwater generally moves in the northwesterly direction, and the ground water level of Coyote Valley is typically shallow. Depth to first ground water is typically less than 5 feet below the surface at the Laguna Seca area of the project as groundwater is generally moving westward away from the perched stream channel of Coyote Creek. The DEIR must do the following:

- Evaluate and provide mitigations for the impacts of substantial depletion of ground water resources in the immediate vicinity of the project and to adjacent underlying ground water basins. Based on the Santa Clara Valley Water District's (SCVWD) assessment (*Water Supply Availability Analysis for the Coyote Valley Specific Plan*, Groundwater Management Unit of SCVWD, April 2005), the CVSP project would require a range of 16,000 to 20,000 acre-feet of groundwater to be pumped from existing wells within the specific plan area for the project. Implementation of the CVSP would result in a significant decrease of groundwater levels from such



extractions and significant impacts on Coyote Creek;

- Evaluate and provide mitigations for groundwater impacts that include disruption of unconsolidated ground water aquifers as a result of dewatering low lying areas for development within the CVSP area;
- Evaluate and provide mitigations for impacts to the modification of the groundwater table under Coyote Creek will have upon ground water recharge systems dependent upon flows in Coyote Creek and existing available high ground water;
- Evaluate and provide mitigations for pollution runoff from increased impervious surfaces and urban storm water runoff containing toxics, heavy metals, biological contaminants from litter, organic matter, animal wastes, pesticides, detergents, solvents, and other pollutants entering the groundwater supplies and Coyote Creek;
- Evaluate and provide mitigations for impacts to floodplain management in Coyote Creek as a result from potential modification of existing groundwater hydrograph;
- Evaluate and provide mitigations for impacts to groundwater aquifers and potential groundwater overdraft underlying Coyote Creek as a result of projected use of local wells to provide the chief source of water supply for development.

C. Build out of the 7,000 acres of the CVSP will result in a significant increase in the amount of impervious surface and increase runoff entering Coyote Creek. The DEIR must identify the estimated acreage or percentage of the Plan Area that would be covered by impervious surfaces for the storm water runoff analysis. Include anticipated increases in impervious surfaces in the Greenbelt area as part of the evaluation. In particular, the DEIR must:

- Evaluate and provide mitigations for the increased likelihood of hydro-modification as a result of increased water flows entering Coyote Creek within and downstream of the CVSP Area;
- Evaluate and provide mitigations for increased concentration of flow in all local seasonal stream channels entering Coyote Creek as a result of the CVSP; and
- Evaluate and provide mitigations for impacts from the proposed seasonal use of public right of ways, roads, trails, parkland, and transportation corridors (e.g. Monterey Road) to channel runoff from developed areas or provide storm water retention during flood events.

(9) HAZARDOUS MATERIALS

A. The DEIR must identify specific sites within the CVSP area that may involve transport, use or disposal of hazardous materials, and evaluate their exposure to Park users and wildlife within, adjacent to, or near Coyote Creek County Park and adjacent open space areas.

B. The DEIR must evaluate the risks of fire-related hazards and property damage between the CVSP area and Coyote Creek County Park and Coyote Creek riparian corridor. The EIR must also analyze feasible mitigation measures that include providing a fire hazard reduction



zone of an adequate buffer between future development and open space areas adjacent to the development.

(10) UTILITIES AND SERVICE SYSTEMS

A. The DEIR must evaluate the physical impacts of all future infrastructure and transmission lines for gas, electricity and cable television that may be placed above ground or underground in areas adjacent to, through and within Coyote Creek County Park and other County-owned lands.

(12) AESTHETIC / VISUAL RESOURCES

Coyote Creek and the surrounding natural hillsides east of Highway 101 are open space resources and visual amenities within Coyote Valley. The rural aesthetic character of the riparian corridor and associated vegetation visible from the new community and Coyote Valley floor should be protected. Design parameters for the CVSP development should incorporate long-term protection of Coyote Creek, its native vegetation and the eastern hillside areas as a visual resource and maintain unobstructed views to Coyote Creek corridor. The DEIR should include the following:

A. For the primary entry areas into CVSP known as “gateway” areas (Bailey Avenue Interchange Area, Coyote Valley Parkway Interchange Area, Coyote Creek Golf Course Drive Interchange Area) that are located adjacent to and/or over the Coyote Creek corridor, there would be new freeway interchanges/ overcrossings, roadway extensions and signature corporate/ technology facilities and mid-rise office buildings with elevations as high as 4 to 7 stories that would be visible from the valley floor and enable views to Coyote Creek and beyond. Evaluate the impacts of these gateway areas on the park users within Coyote Creek County Park. As part of the mitigation measures, designate natural open space buffer areas to protect the scenic natural environment of Coyote Creek and provide appropriate screening of development areas adjacent to the creek corridor.

B. Evaluate the visual impacts of these gateway areas that include obstructed key view corridors to Coyote Creek and surrounding natural landscape for a passing motorist along Highway 101. Analyze the visual intrusions to Coyote Creek, caused by the elevation of the freeway interchanges, office buildings and adjacent development areas (e.g. specifically visual impacts of CVSP Planning Areas B, C, D, H and E). As part of the mitigation measures, create open space areas around development clusters to maintain view corridors to Coyote Creek and the hillsides east of Highway 101 and visual shielding of the tall buildings along Coyote Creek.

C. Evaluate the consistency of the architectural and urban design guidelines of the CVSP project area in terms of integrating with the existing rural character of Coyote Valley (e.g. Coyote Creek, historic buildings at Coyote Ranch, existing Coyote Grange Hall facility at Monterey Road, etc.)

D. Evaluate the consistency of the landscape design guidelines with preserving the remaining historic, rural character and indigenous natural landscapes of Coyote Valley, such as the use of landscaping with drought-resistant native plants adjacent to scenic roads and



highways, including areas adjacent to the Coyote Creek riparian corridor.

(14) RECREATION

It is anticipated that the residents, workers and visitors to Coyote Valley will expect high quality park and recreation services, where the CVSP Concept Plan highlights "...key access to the regional trail system by connecting the Coyote Valley area with the regional trail system along Coyote Creek and hillsides."

The San Jose General Plan and City of San Jose's approved Strategic Plan, *Greenprint*, indicate that for every 1,000 people there should be 3.5 acres of neighborhood and community-serving recreational lands, of which a minimum is 1.5 acres of neighborhood, community or locally-serving regional/citywide park lands, and up to 2 acres of school playgrounds, all of which is located within a reasonable walking distance. The General Plan also indicates the need to provide 7.5 acres of regional/citywide parklands per 1,000 people.

Currently, the proposed CVSP parkland contribution is 216.8 acres for a population of up to 80,000 residents, which results in approximately 2.8 acres of active parkland per 1,000 people (for an estimated population of 75,000) and 2.7 acres per 1,000 people (for an estimated population of 80,000). This total parkland acreage count does not satisfy the 7.5 acres of regional/citywide parklands per 1,000 people standard established by the City's General Plan. The CVSP's insufficient regional/citywide parkland contribution will have a significant impact on the County's existing regional park facilities and resources within the vicinity of Coyote Valley including, but not limited to Coyote Creek, Anderson Lake, Calero, Santa Teresa, Almaden-Quicksilver and other County parks. The DEIR must evaluate the increased demand for regional park, open space and recreation facilities and the inadequate regional/citywide parkland contribution for the CVSP project. In particular, the EIR must:

- A. Evaluate the short-term adverse recreational impacts associated with the project construction (e.g. limiting or reducing recreational opportunities such as access to regional trails, staging areas, County park facilities, etc. during the CVSP project implementation). In coordination with the County, develop feasible mitigation measures for this impact that may include providing alternate trail routes and park /staging areas, safety signage and fencing, and etc.
- B. Evaluate the long-term adverse recreational impacts associated with the full build-out of CVSP project area on the County's resources to provide regional parks, open space and recreational opportunities, and evaluate the substantial adverse physical impacts on regional park facilities near and within Coyote Valley that will be overburdened by the CVSP population. In coordination with the County, develop feasible mitigation measures for this impact that may include providing additional regional/citywide park facilities and/or permanent open space amenities that would allow the City to fulfill its General Plan requirement for 7.5 acres of regional/citywide parklands per 1,000 people.

(15) AGRICULTURAL RESOURCES

- A. The DEIR must evaluate the impacts of increased levels of dust resulting from construction work for the CVSP project on nearby County park facilities.



B. The DEIR must require as mitigation that a dust abatement program be implemented to prevent or minimize the level of dust that would result from construction on active work areas, access roads and paths, parking areas, and staging areas to minimize impacts on nearby County park facilities.

C. The DEIR must evaluate and propose specific long-term mitigation measures (e.g. agricultural land trust, agricultural conservation easements, etc.), as part of the recommendations in the SAGE Report on Greenbelt Research, June 2005) for loss of agricultural resources in the project area.

D. The DEIR must evaluate and propose specific General Plan mechanisms (e.g. land use designations, rezoning, etc.) that will preserve the South Coyote Greenbelt as a permanent non-urban buffer.

(16) ALTERNATIVES TO THE PROJECT

The DEIR should evaluate alternatives to land uses east of Monterey Road to avoid impacts resulting from placement of incompatible development adjacent to the Coyote Creek County Park and the riparian corridor. The DEIR should analyze the following alternatives:

A. **No Development East of Monterey Road Alternative** – It is recommended that the DEIR evaluate as one of its project alternatives the option of preserving the east side of Monterey Road as permanent, public open space and/or agricultural uses. Under this alternative, it is assumed that new growth would be channeled elsewhere within the Coyote Valley Urban Reserve Area, away from the project area between Monterey Road and Coyote Creek. This alternative would enable the following:

- Avoidance of impacts to Coyote Creek resulting from development of land uses incompatible with adjacent riparian corridors;
- Protection of 100-year floodplain areas adjacent to Coyote Creek and Monterey Road from 100-year storm flows (Hydrology);
- Protection and enhancement of critical riparian habitat areas (e.g. California Red Legged Frog, California Tiger Salamander, Western Pond Turtle, etc.) and minimal disturbance to potential special status species habitats (e.g. Burrowing Owl habitats, etc.) associated with Coyote Creek (Biological Resources);
- Protection of valuable riparian habitat areas and park users within Coyote Creek County Park from potentially significant traffic or new air emissions from short-term construction or long-term operations such as traffic generation (Air Quality);
- Preservation of the visual character of the existing rural, open space areas adjacent to Coyote Creek (Aesthetics)
- Provision of a riparian buffer area between wildlife and CVSP development area to alleviate noise levels (Noise);
- Provision of a fire hazard reduction zone between urban development and Coyote Creek corridor (Hazardous Materials);



- Adherence to goals and objectives of the multi-agency HCP/NCCP;
- Reduction of the amount of public and private infrastructure needed to support the project;
- Adherence to the City's goals for a compact, urbanized, efficient, transit-oriented community.

This project alternative would address many of the Greenbelt implementation challenges with private development between Coyote Creek and Monterey Road, as identified in the County Planning Office's document, *Coyote Valley Greenbelt Implementation Challenges* (December 2000).

In addition, this project alternative is identified as an open space component of the proposed Vision plan in the Greenbelt Alliance's *Getting It Right Plan (June 2003)*, which provides a comprehensive open space system integrating urban and regional parkland with agricultural land to provide a green framework for future urban development. The Vision plan recommends preserving the east side of Monterey Road as undeveloped agricultural open space land (See Figure IV, Environmental and Urban Structure Diagram, *Getting It Right, June 2003*). According to the *Getting It Right* recommendation, "the Vision redesignates the 310 acres of Urban Reserve lands along the eastside of Monterey Highway for agriculture," meaning that "...all lands east of Monterey Highway and all land south of Palm Avenue will be part of the greenbelt buffer." (Page 38, *Getting It Right*)

B. Modified Land Uses East of Monterey Road Alternative - The DEIR should evaluate an alternative to modify the allowed land uses in the project area east of Monterey Road to substantially reduce densities and designate land uses more compatible with areas adjacent to a major stream channel. Again, this area represents a relatively small portion of the available land for development in the CVSP. Uses indicated for areas east of Monterey Road can be incorporated elsewhere in the plan. This alternative would also achieve the many of the goals sited in this letter for an alternative for no development east of Monterey Road and achieve the City's goals for a compact, urbanized, efficient, transit-oriented community by concentrating higher densities and employment centers closer to public transport infrastructure.

(17) CUMULATIVE IMPACTS

With respect to the project's cumulative impacts, the DEIR must do the following:

- A. Evaluate the potential region-wide cumulative impacts of recent and pending development projects in San Jose (e.g. Hitachi, Edenvale Redevelopment, North First Street, Edenvale, etc.) with the CVSP project for long-term growth-inducing effects on the County within the immediate Bay Area and in adjacent Santa Cruz, San Benito, and Monterey Counties.
- B. With an expected population of approximately 80,000 new residents and increase of 50,000 new industry-serving workplace jobs along with at least 3,000 – 5,000 additional business-support jobs (totaling up to 55,000 new workers) in Coyote Valley, the cumulative

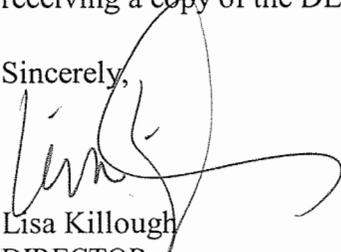


impacts on the recreational needs of the City and region would result in an increase in visitors to the area seeking access to both rural and urban open space opportunities. The DEIR must evaluate the cumulative impacts on the County to provide regional parks and outdoor recreational opportunities in the area as a result of the CVSP project.

Many of these potential impacts identified have been discussed at the CVSP Committee and Sub-Committee meetings. As you are aware, the Parks Department has been participating in the CVSP Technical Advisory Committee (TAC) and CVSP Parks and Trails Sub-Committee to help address impacts to Coyote Creek County Park and nearby regional parks, protect the riparian corridor and natural resources along Coyote Creek, and advance regional trail connections. We recommend that the issues outlined in this response be fully addressed in the CVSP DEIR.

We appreciate the opportunity to review the NOP for the CVSP DEIR and look forward to receiving a copy of the DEIR for review.

Sincerely,



Lisa Killough
DIRECTOR

CC: Jane Decker, County Executive

Attachment: Table of Special Status Species Plants and Wildlife Known to Occur or that May Occur in the Coyote Creek Parkway



Table 2. Special-Status Plants Known to Occur or that May Occur in the Coyote Creek Parkway

Common and Scientific Name	Legal Status ^a		Geographic Distribution	Habitat Requirements	Habitat present?	Likelihood to Occur within Project Area ^b
	Federal/State/ CNPS					
Species with habitat present in study area and documented occurrences within one mile of the study area						
Tiburon Indian paintbrush <i>Castilleja affinis</i> ssp. <i>neglecta</i>	E/T/IB		Southern inner north Coast Ranges, northwestern San Francisco Bay region, Marin, Napa and Santa Clara Counties	Serpentine grasslands	Yes	Moderate. Documented occurrences within one mile of the study area.
Coyote ceanothus <i>Ceanothus ferrisiae</i>	E-/IB		Northeastern San Francisco Bay, Mount Hamilton Range, Santa Clara County	Chaparral, coastal scrub, annual grassland, on serpentine soils	Yes	Moderate. Documented occurrences within one mile of the study area.
Mt. Hamilton thistle <i>Cirsium fontinale</i> var. <i>campylon</i>	SC-/IB		Mt. Hamilton Range, eastern San Francisco Bay area, Alameda, Santa Clara, and Stanislaus Counties	Freshwater seeps and streams on serpentine outcrops, chaparral, cismontane woodland, valley and foothill grassland, 400-2,500 feet	Yes	High. Reported by CNDDDB within the study area.
Santa Clara Valley dudleya <i>Dudleya setchellii</i>	E-/IB		Santa Clara County	Cismontane woodland, valley and foothill grassland, serpentine, rocky	Yes	Moderate. Documented occurrences within one mile of the study area.
Fragrant fritillary <i>Fritillaria liliacea</i>	SC-/IB		Coast Ranges from Marin County to San Benito County	Adobe soils of interior foothills, coastal prairie, coastal scrub, annual grassland, often on serpentine, below 1,350 feet	Yes	Moderate. Documented occurrences within one mile of the study area.
Smooth lessingia <i>Lessingia micradenia</i> var. <i>glabrata</i>	SC-/IB		Santa Clara County	Chaparral on serpentine, often on roadsides, 400-1,380'	Yes	Moderate. Documented occurrences within one mile of the study area.
Arcuate bush mallow <i>Malacothammus arcuatus</i>	-/IB		Santa Clara, Santa Cruz, and San Mateo Counties	Chaparral	Yes	Moderate. Documented occurrences within one mile of the study area.
Hall's bush mallow <i>Malacothammus hallii</i>	-/IB		Alameda, Contra Costa, Merced, Santa Clara, and Stanislaus Counties	Chaparral between 30-2,500'	Yes	Moderate. Documented occurrences within one mile of the study area.
Metcalf Canyon jewel-flower <i>Streptanthus albidus</i> ssp. <i>albidus</i>	E-/IB		Santa Clara County	Valley and foothill grassland, on serpentine	Yes	Moderate. Documented occurrences within one mile of the study area.
Most beautiful jewel-flower <i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	-/IB		Eastern San Francisco Bay area, Central south coastal outer ranges. Alameda, Contra Costa, and Santa Clara Counties	Chaparral, annual grassland, on ridges and slopes on serpentine outcrops, 450-3,200'	Yes	Moderate. Documented occurrences within one mile of the study area.
Species with habitat present in study area						
Bent-flowered fiddleneck <i>Amsinckia lamaris</i>	-/IB		Inner North Coast Ranges, San Francisco Bay Area, west-central Great Valley	Coastal bluff scrub, valley and foothill grasslands, cismontane woodlands, from 10-1,645 feet (3-500 m)	Yes	Low ^c
Santa Cruz manzanita <i>Arctostaphylos andersonii</i>	SC-/IB		Western San Francisco Bay region, Santa Cruz mountains. Santa Clara, Santa Cruz, and San Mateo Counties	Chaparral and edges of broad-leaved upland forest, chaparral, north coast coniferous forest, below 2,300 feet	Yes	Low ^c
Brittlescale <i>Atriplex depressa</i>	SC-/IB		Sacramento Valley and valleys of adjacent foothills on west side of San Joaquin Valley	Alkali grassland, alkali meadow, alkali scrub, chenopod scrub, plays, valley and foothill grasslands on alkaline or clay soils, below 660'	Yes	Low ^c

Common and Scientific Name	Legal Status ^a		Geographic Distribution	Habitat Requirements	Habitat present?	Likelihood to Occur within Project Area ^b
	Federal/State/ CNPS					
Mt. Hamilton jewel-flower <i>Streptanthus callistus</i>	-/-/IB		Santa Clara County	Chaparral, cismontane woodland	Yes	Low ^c
Showy Indian clover <i>Trifolium amoenum</i>	E-/IB		Coast Range foothills, San Francisco Bay region, Mendocino County to Santa Clara County	Low elevation grasslands, including swales and disturbed areas, sometimes on serpentine soils. Blooms April-June.	Yes	Low ^c
Santa Cruz clover <i>Trifolium buckvestorum</i>	-/-/IB		Monterey, Santa Cruz, and Sonoma Counties	Broadleaved upland forest cismontane woodland, coastal prairie / margins	Yes	Low ^c
Species without habitat present in study area						
Alkali milk-vetch <i>Astragalus tener</i> var. <i>tener</i>	-/-/IB		Merced, Solano, and Yolo Counties; historically more widespread	Grassy flats and vernal pool margins, on alkali soils, below 200'	No	None
San Joaquin spearscale <i>Atriplex joaquiniana</i>	SC-/IB		West edge of Central Valley from Glenn County to Tulare County	Alkali grassland, alkali scrub, alkali meadows, saltbush scrub, below 1,000'	No	None
Ben Lomond spineflower <i>Chorizanthe pungens</i> var. <i>harwegiana</i>	E-/IB		Northern and central coast, San Francisco Bay, Santa Cruz County	Lower montane coniferous forest, specifically maritime ponderosa pine sandhills	No	None
Monterey spineflower <i>Chorizanthe pungens</i> var. <i>pungens</i>	T-/IB		Northern and central coast, San Francisco Bay; Monterey, Santa Cruz, and San Luis Obispo* Counties	Maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland, sandy soils	No	None
Robust spineflower <i>Chorizanthe robusta</i> var. <i>robusta</i>	E-/IB		Central coastal California, Alameda*, Monterey, San Francisco*, San Mateo*, Santa Clara*, and Santa Cruz Counties	Coastal bluff scrub, coastal dunes openings in cismontane woodland, on sandy soil	No	None
Point Reyes bird's-beak <i>Corydalis maritima</i> ssp. <i>palustris</i>	SC-/IB		Coastal Northern California, Humboldt County to Santa Clara County	Coastal salt marsh	No	None
Mt. Hamilton coreopsis <i>Coreopsis hamiltonii</i>	SC-/IB		Eastern San Francisco Bay, Santa Clara and Stanislaus Counties	Steep shale talus slopes of cismontane woodland	No	None
Hospital Canyon larkspur <i>Delphinium californicum</i> ssp. <i>interius</i>	SC-/IB		Inner South Coast Ranges, eastern San Francisco Bay, Alameda, Contra Costa, Merced, San Benito, Santa Clara, San Joaquin, and San Luis Obispo Counties	Openings in chaparral, mesic cismontane woodland, on moist slopes and ravines, 750-3,600'	No, elevation of study area too low.	None
Brandege's eriastrum <i>Eriastrum brandegeae</i>	-/-/IB		Contra Costa, Colusa, Glenn, Lake, Santa Clara, and Tehama Counties	Chaparral, Cismontane woodland on volcanic soils	No	None
Tracy's eriastrum <i>Eriastrum tracyi</i>	-/R/IB		Colusa, Glenn, Santa Clara, Tehama, and Trinity Counties	Chaparral, cismontane woodland, on gravelly shale or clay soils, often in open areas, 1,000-2,500'	No, elevation of study area	None

^a Status explanations:

Federal

- E = listed as endangered under the federal Endangered Species Act.
- T = listed as threatened under the federal Endangered Species Act.
- PE = proposed for federal listing as endangered under the federal Endangered Species Act.
- PT = proposed for federal listing as threatened under the federal Endangered Species Act.
- C = species for which USFWS has on file sufficient information on biological vulnerability and threat(s) to support issuance of a proposed rule to list.
- SC = species of concern; species for which existing information indicates it may warrant listing but for which substantial biological information to support a proposed rule is lacking.
- = no listing.

State

- E = listed as endangered under the California Endangered Species Act.
- T = listed as threatened under the California Endangered Species Act.
- R = listed as rare under the California Native Plant Protection Act. This category is no longer used for newly listed plants, but some plants previously listed as rare retain this designation.
- CE = candidate species for listing as endangered under the California Endangered Species Act
- SSC = species of special concern in California.
- = no listing.

California Native Plant Society

- 1A = List 1A species: presumed extinct in California.
- 1B = List 1B species: rare, threatened, or endangered in California and elsewhere.
- 2 = List 2 species: rare, threatened, or endangered in California but more common elsewhere.
- 3 = List 3 species: plants about which more information is needed to determine their status.
- 4 = List 4 species: plants of limited distribution.
- = no listing.
- * = known populations believed extirpated from that County
- ? = population location within County uncertain

^bDefinitions of levels of Occurrence likelihood:

High: Known occurrence of plant in region from Natural Diversity Data Base, or other documents in the vicinity of the project; or presence of suitable habitat conditions and suitable microhabitat conditions.

Moderate: Known occurrence of plant in region from Natural Diversity Data Base, or other documents in the vicinity of the project; or presence of suitable habitat conditions but suitable microhabitat conditions are not present.

Low: Plant not known to occur in the region from the Natural Diversity Data Base, or other documents in the vicinity of the project; or habitat conditions of poor quality.

^cThe probability of occurrence of special status plant species with habitat in study area but no documented occurrences is low, because park staff routinely survey the study area and have mapped notable plant populations, including some of the documented special status plant occurrences in the project vicinity. However, no botanical surveys of the study area have been conducted with the specific purpose of determining whether these special status plant species are present. Therefore, there is a low probability that there may be undocumented special status plant occurrences in the study area. **UPDATE WITH INFO ON PLANT SURVEYS OF STUDY AREA.**

Common and Scientific Name	Status ^a		California Distribution	Habitats	Potential for Occurrence in Project Area
	Federal/State				
California red-legged frog <i>Rana aurora draytoni</i>	T/SSC		Found along the coast and coastal mountain ranges of California from Humboldt County to San Diego County; Sierra Nevada (mid-elevations [above 1,000 feet] from Butte County to Fresno County)	Permanent and semipermanent aquatic habitats, such as creeks and coldwater ponds, with emergent and submergent vegetation and riparian species along the edges; may estivate in rodent burrows or cracks during dry periods	Moderate—Appropriate habitat available in the Parkway corridor. CNDDDB records within the Parkway corridor.
Foothill yellow-legged frog <i>Rana boylei</i>	SC/SSC		Occurs in the Klamath, Cascade, north Coast, south Coast, Transverse, and Sierra Nevada Ranges up to approximately 6,000 feet	Creeks or rivers in woodland, forest, mixed chaparral, and wet meadow habitats with rock and gravel substrate and low overhanging vegetation along the edge. Usually found near riffles with rocks and sunny banks nearby.	None - Inappropriate habitat in the vicinity of the Parkway corridor. No CNDDDB records within 2 miles. Species not observed during field visit.
Western spadefoot toad <i>Spea hammondi</i>	SC/SSC		Sierra Nevada foothills, Central Valley, Coast Ranges, coastal counties in southern California	Shallow streams with riffles and seasonal wetlands, such as vernal pools in annual grasslands and oak woodlands.	None - Inappropriate habitat in the vicinity of the Parkway corridor. No CNDDDB records within 2 miles. Species not observed during field visit.
REPTILES					
California horned lizard <i>Phrynosoma coronatum frontale</i>	SC/SSC		Sacramento Valley, including foothills, south to southern California; Coast Ranges south of Sonoma County; below 4,000 feet in northern California	Grasslands, brushlands, woodlands, and open coniferous forest with sandy or loose soil; requires abundant ant colonies for foraging	None - Inappropriate habitat in the vicinity of the Parkway corridor. No CNDDDB records within 2 miles. Species not observed during field visit.
Silvery legless lizard <i>Ameiella pulchra pulchra</i>	SC/SSC		Along the Coast, Transverse, and Peninsular Ranges from Contra Costa County to San Diego County with spotty occurrences in the San Joaquin Valley	Habitats with loose soil for burrowing or thick duff or leaf litter; often forages in leaf litter at plant bases; may be found on beaches, sandy washes, and in woodland, chaparral, and riparian areas	None - Inappropriate habitat in the vicinity of the Parkway corridor. No CNDDDB records within 2 miles. Species not observed during field visit.
Southwestern pond turtle <i>Clemmys marmorata pallida</i>	SC/SSC		Occurs along the central coast of California east to the Sierra Nevada and along the southern California coast inland to the Mojave and Sonora Deserts; range overlaps with that of the northwestern pond turtle throughout the Delta and in the Central Valley	Woodlands, grasslands, and open forests; aquatic habitats, such as ponds, marshes, or streams, with rocky or muddy bottoms and vegetation for cover and food	None - No CNDDDB records within 2 miles for this subspecies. Not consistent with the range for this subspecies of <i>C. marmorata</i> .

Common and Scientific Name	Status ^a		California Distribution	Habitats	Potential for Occurrence in Project Area
	Federal/State				
Bell's sage sparrow <i>Amphispiza belli belli</i>	SC/SSC		Western Sierra foothills from El Dorado County south to Mariposa County, inner Coast Ranges from Shasta County southward, extending to vicinity of coast from Marin County to San Diego County; from southern San Benito County to San Bernardino County.	Prefers chaparral habitats dominated by chamise	None - Inappropriate habitat in the vicinity of the Parkway corridor. No CNDDDB records within 2 miles. Species not observed during field visit.
Black swift <i>Cypseloides niger</i>	SC/SSC		Breeds very locally in the Sierra Nevada and Cascade Range, the San Gabriel, San Bernardino, and San Jacinto mountains, and in coastal bluffs from San Mateo county south to near San Luis Obispo county	Nests in moist crevice or cave on sea cliffs above the surf, or on cliffs behind, or adjacent to, waterfalls in deep canyons	Low - Inappropriate habitat in the vicinity of the Parkway corridor. CNDDDB records within 2 miles of the Parkway. Species not observed during field visit.
Burrowing Owl <i>Athene cunicularia</i>	SC/SSC		Lowlands throughout California, including the Central Valley, northeastern plateau, southeastern deserts, and coastal areas; rare along south coast	Rodent burrows in sparse grassland, desert, and agricultural habitats	Moderate - Appropriate, but fragmented habitat available in the Parkway corridor. CNDDDB records within 2 miles of the Parkway boundary, but not in the Parkway. Neither species or burrows observed during field visit
California least tern <i>Sterna antillarum browni</i>	E/E		Nests on beaches along the San Francisco Bay and along the southern California coast from southern San Luis Obispo County south to San Diego County	Nests on sandy, upper ocean beaches, and occasionally uses mudflats; forages on adjacent surf line, estuaries, or the open ocean	None - Inappropriate habitat in the vicinity of the Parkway corridor. No CNDDDB records within 2 miles. Species not observed during field visit.
Costa's Hummingbird <i>Calypte costae</i>	SC/-		Commonly found in the far west region of the United States and Mexico with a northern limit of central California and a southern limit of central Mexico.	Found in primarily desert-like habitats. An arid climate is preferred, with plants such as the Joshua tree (<i>Yucca brevifolia</i>) and cholla cactus (<i>Opuntia acanthocarpa</i>).	None - Inappropriate habitat in the vicinity of the Parkway corridor. No CNDDDB records within 2 miles. Species not observed during field visit.
Ferruginous hawk <i>Buteo regalis</i>	SC/SSC		Does not nest in California; winter visitor along the coast from Sonoma County to San Diego County, eastward to the Sierra Nevada foothills and south-eastern deserts, the Inyo-White Mountains, the plains east of the Cascade Range, and Siskiyou County	Open terrain in plains and foothills where ground squirrels and other prey are available	Low - Appropriate foraging habitat in the Parkway corridor. No CNDDDB records within 2 miles. Species not observed during field visit.
Golden eagle <i>Aquila chrysaetos</i>	-/SSC				Low - Appropriate foraging habitat in the Parkway corridor. No CNDDDB records within 2 miles. Species

Common and Scientific Name	Status *		California Distribution	Habitats	Potential for Occurrence in Project Area
	Federal/State				
Tricolored Blackbird <i>Agelaius tricolor</i>	SC/SSC		to southern Alaska and Yukon. Largely endemic to California; permanent residents in the Central Valley from Butte County to Kern County; at scattered coastal locations from Marin County south to San Diego County; breeds at scattered locations in Lake, Sonoma, and Solano Counties; rare nester in Siskiyou, Modoc, and Lassen Counties	Nests in dense colonies in emergent marsh vegetation, such as tules and cattails, or upland sites with blackberries, nettles, thistles, and grainfields; nesting habitat must be large enough to support 50 pairs; probably requires water at or near the nesting colony; requires large foraging areas, including marshes, pastures, agricultural wetlands, dairies, and feedlots, where insect prey is abundant	Low - suitable, albeit degraded habitat in the Parkway; CNDDDB record from inventory area. No recorded sightings since 1989 in the area. Species not observed during field visit
Vaux's swift <i>Chaetura vauxi</i>	--/SSC		Coastal belt from Del Norte County south to Santa Cruz County and in mid elevation forests of the Sierra Nevada and Cascade Range	Nests in hollow, burned-out tree trunks in large conifers	None - Inappropriate habitat in the vicinity of the Parkway corridor. No CNDDDB records within 2 miles. Species not observed during field visit.
White-tailed Kite <i>Elanus leucurus</i>	--/FP		Lowland areas west of Sierra Nevada from head of Sacramento Valley south, including coastal valleys and foothills to western San Diego County at the Mexico border	Low foothills or valley areas with valley or live oaks, riparian areas, and marshes near open grasslands for foraging	Low - Appropriate foraging habitat in the Parkway corridor. No CNDDDB records within 2 miles. Species not observed during field visit.
MAMMALS					
Fringed myotis <i>Myotis thysanodes</i>	SC/--		Occurs throughout California except the southeastern deserts and the Central Valley	Found in a wide variety of habitats from low desert scrub to high elevation coniferous forests. Day and night roosts in caves, mines, trees, buildings, and rock crevices	Low - Minimal appropriate foraging and roosting habitat in the Parkway corridor. No occurrence records in the vicinity of the Parkway, but could occur in the Parkway.
Great western mastiff-bat <i>Eumops perotis camiformicus</i>	SC/--		Recorded from Butte County southward in the western lowlands through the southern California coastal basins and the western portions of the southeastern desert region	Favor rugged, rocky areas where suitable crevices are available for day-roosts, but will roost in vacated buildings and other structures that mimic native habitat.	None - Inappropriate habitat in the vicinity of the Parkway corridor. No occurrence records in the vicinity of the Parkway. Species not observed during field visit.
Long-eared myotis <i>Myotis evotis</i>	SC/--		Occurs throughout California except the southeastern deserts and the Central Valley	Occurs primarily in high elevation coniferous forests, but also found in mixed hardwood/conifer, high desert, and humid coastal conifer habitats	Moderate- Appropriate foraging and roosting habitat in the Parkway corridor. No occurrence records in the vicinity of the Parkway, but likely occurs in the Parkway.

Common and Scientific Name	Status ^a		California Distribution	Habitats	Potential for Occurrence in Project Area
	Federal/State				
Central California coast steelhead <i>Onchorhynchus mykiss</i>	T/--		Freshwater streams from Russian River to Soquel Creek, Santa Cruz County, inclusive.	Cold, clear water with clean gravel of appropriate size for spawning. Most spawning occurs in headwater streams. Steelhead migrate to the ocean to feed and grow until sexually mature.	High - Appropriate habitat, but severely degraded temperature and movement conditions in the stream corridor.
Central Valley Spring run chinook salmon <i>Oncorhynchus tshawytscha</i>	T/T		Sacramento River and its tributaries, San Joaquin River and its tributaries; tributaries to the south San Francisco Bay	Cool, clear water with spawning gravel; migrate to the ocean to feed and grow until sexually mature	None - Strays from this ESU have not been genetically identified in the accessible reaches of Coyote Creek and have not been observed during time periods consistent with a Spring-run population.
Central Valley Fall-run chinook salmon <i>Oncorhynchus tshawytscha</i>	C/SSC		Sacramento River and its tributaries, San Joaquin River and its tributaries; tributaries to the south San Francisco Bay	Cool, clear water with spawning gravel; migrate to the ocean to feed and grow until sexually mature	High - Appropriate habitat, but severely degraded temperature and movement conditions in the stream corridor. Species is known to stray into the system due to chemical cues from imported Delta water.
Central Valley steelhead <i>Onchorhynchus mykiss</i>	T/--		Sacramento River and its tributaries, San Joaquin River and its tributaries; tributaries to the South San Francisco Bay	Cold, clear water with clean gravel of appropriate size for spawning. Most spawning occurs in headwater streams. Steelhead migrate to the ocean to feed and grow until sexually mature.	None - Strays from this ESU have not been genetically identified in the accessible reaches of Coyote Creek
Delta Smelt <i>Hypomesus transpacificus</i>	T/T		Found only from the Suisun Bay upstream through the Delta in Contra Costa, Sacramento, San Joaquin, Solano and Yolo counties.	Live along the freshwater edge of the mixing zone (saltwater-freshwater interface), where the salinity is approximately 2 ppt.	None - Inappropriate habitat in the vicinity of the Parkway corridor. No CNDDB records within 2 miles.
Longfin smelt <i>Spirinchus thaleichthys</i>	SC/--		Range from Monterey Bay northward to Hinchinbrook Island, Prince William Sound Alaska. In California, they have been commonly collected from San Francisco Bay, Eel River, Humboldt Bay and Klamath River.	Found close to shore, in brackish areas of bays and estuaries and ascends coastal streams to spawn.	None - Inappropriate habitat in the vicinity of the Parkway corridor. No CNDDB records within 2 miles.
Sacramento Splittail <i>Pogonichthys macrolepidotus</i>	SC/--		Found only in California's Central Valley where they were once widely distributed in lakes and rivers.	Primarily freshwater fish, but are tolerant of moderate salinity and can live in water with salinities of 10-18 parts per thousand. Require flooded vegetation for spawning and rearing.	None - Inappropriate habitat in the vicinity of the Parkway corridor. No CNDDB records within 2 miles.

County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2400



July 1, 2005

Darryl Boyd
Department of Planning, Building, and Code Enforcement
City of San Jose
801 North First Street, Room 400
San Jose, CA 95110-4576

Subject: Notice of Preparation of a Draft Environmental Impact Report for the
Coyote Valley Specific Plan Project; File No. PP 05-102

Dear Mr. Boyd:

In response to the Notice of Preparation (NOP) for the Coyote Valley Specific Plan (CVSP) Draft Environmental Impact Report (DEIR), the Santa Clara County Roads and Airports Department has the following comments:

1. The Total Number of Jobs Estimate Should be Revised

The NOP states: "It is also anticipated that the project will result in the creation of approximately 3,000 government and retail jobs in addition to the industry-driving and business support jobs in the Valley" (NOP, page 10). Three thousand government and retail jobs is a very low estimate given the size of the planned community (50,000 industry-driving/business support jobs, 26,600 dwelling units, 70,000-80,000 residents). The total number of jobs directly affects the traffic modeling so if the retail/government job total is understated, the traffic impacts will be understated.

The County has reviewed Association of Bay Area Governments (ABAG) data for similarly sized communities in Santa Clara County and Alameda County. Table 1 below compares total households, population, and jobs in 2005 for these communities, with a breakout for retail jobs.

City/Area	Households	Population	Total Jobs	Non-Retail Jobs	Retail Jobs
Coyote Valley Specific Plan	26,600	70,000-80,000	53,000	50,000 + government	Less than 3,000 ¹
Mountain View	32,210	72,000	57,130	51,320	5,810
Milpitas	18,170	65,000	50,980	46,720	4,260
Livermore	28,320	80,500	49,340	44,310	5,030
Pleasanton	25,280	69,900	59,480	49,850	9,630
San Leandro	31,340	82,400	42,790	35,460	7,330

¹CVSP NOP anticipates 3,000 government and retail jobs combined.
Source: Association of Bay Area Governments, Projections 2005.

In reviewing the retail job totals for communities of similar household, population, and/or employment levels, it is evident that the number of potential retail jobs is significantly understated. We do not know if the small number of retail jobs is linked to the “1.5 million square feet of regional and local-serving retail uses” (NOP, page 10) included in the CVSP, but it would appear that this is not enough retail to fulfill CVSP’s goals to “form an independent community . . . in effect, a new town” (NOP, page 6) or “a sustainable, transit-oriented, walkable community” (NOP, page 7). If residents/workers must travel outside the community to meet their retail needs, this also has a traffic impact.

The 3,000 jobs also include government jobs. According to the NOP, government jobs likely to be located in the CVSP include police, fire, libraries, and parks/recreation. School district jobs are also government jobs. We do not know the number of personnel needed to staff the 3 fire stations, 2 libraries, and various community centers/parks; however, in reviewing various school districts’ employment numbers, it would appear that there will be 650 to 800 school district employees to staff the 9 to 11 schools planned for the Coyote Valley area.

We request that the government and retail job estimates be revised to reflect the true needs of a community of this size so that accurate traffic modeling can be conducted. A number in the range of 6,000 to 8,000 retail and government jobs would appear to be a far more accurate total to meet the needs of Coyote Valley residents and employees.

2. Traffic Analysis Scope

The NOP states: “The EIR will identify both existing and background traffic conditions in the Plan area to determine potential operational and level of service deficiencies on transportation facilities within and outside Coyote Valley” (NOP, page 13). As we have stated in previous correspondence, the County requests that the following County roads outside Coyote Valley be included in the traffic analysis and for impact mitigation:

- 1) Castro Valley Rd: HWY 101 – Santa Teresa Blvd
- 2) Santa Teresa Blvd: Castro Valley Rd – California Ave
- 3) Santa Teresa Blvd / Hale Ave: Main Ave – Bailey Ave
- 4) Watsonville Rd: Hecker Pass Hwy (HWY 152) – Santa Teresa Blvd
- 5) Day Rd: Monterey Hwy – Watsonville Rd
- 6) Uvas Rd: Watsonville Rd - McKean Rd
- 7) Edmundson Ave: Monterey Hwy – Oak Glen Ave
- 8) Oak Glen Ave / Sycamore Dr / Bowden Ave: Watsonville Rd – Uvas Rd
- 9) Willow Springs Rd: Santa Teresa Blvd – Oak Glenn Ave
- 10) McKean Rd: Uvas Rd – Harry Rd
- 11) Almaden Expressway: Harry Rd – State Hwy 85
- 12) Malech Rd: Metcalf Rd – Bailey Ave
- 13) Metcalf Rd: Monterey Hwy – San Felipe Rd

- 14) San Felipe Rd: Metcalf Rd – Silver Creek Rd
- 15) Leavesley Rd / Ferguson Rd: Pacheco Pass Hwy (HWY 152) – HWY 101
- 16) New Ave: Leavesley Ave – San Martin Ave

- 17) San Martin Ave: New Ave – Santa Teresa Blvd
- 18) Foothill Rd: San Martin Ave – Tennant Ave
- 19) Hill Ave: Maple Ave – Main Ave
- 20) Cochrane Rd: Main Ave – HWY 101
- 21) Monterey Rd: Buena Vista Ave – Middle Ave
- 22) Monterey Rd: Burnett Ave – Laguna Ave

3. Transportation Impact Mitigations

Please note that our concern for the CVSP impacts to the roadways listed above go beyond just the traffic analysis of the intersections. The CVSP project will likely degrade both the operational and long-term sustainability of these roadways. These would include concentrating high traffic demand on the rural roads causing issues with safety (sight distance, shoulder widths, drainage, etc.) and premature deterioration of pavement. Therefore, the DEIR should address these types of impacts on the roads and include mitigation for these impacts. The list of potential mitigation measures should be expanded to include safety improvements such as road geometric modifications (e.g., improved sight distance, shoulder widening, adequate drainage, bridge widths, etc.) and upgraded pavement to handle increased traffic loads.

4. Funding for Transportation Mitigations Outside Immediate Coyote Valley Area

Because of the geographically far-reaching environmental impacts from a project of this magnitude, another mitigation measure that the DEIR must include is an inter-jurisdictional mechanism for collecting, distributing, and implementing transportation facility impact fees. We strongly recommend that the City enter into cooperative agreements with the County and other affected jurisdictions for the use of traffic mitigation fees collected from CVSP development to mitigate transportation impacts outside the CVSP planning area and City of San Jose limits.

5. South County Airport Impacts

Thank you for studying potential impacts to operations at the South County Airport in San Martin (NOP, page 13). There is a Master Plan for the expansion of the South County Airport to meet anticipated demand increases from South County land use development, including Coyote Valley. The Master Plan includes funding strategies such as additional aircraft storage fees, and leases to airport businesses to cover the expansion costs. Implementation of the Master Plan should be considered a mitigation measure for impacts to South County Airport Operations.

6. Determining Significant Traffic Impacts and Mitigations

The City of San Jose is planning to identify significant traffic impacts and base mitigation strategies using a near term traffic modeling scenario rather than a long term cumulative modeling scenario. As we understand it, near term means today's land uses plus approved development for all cities in Santa Clara County and to the south with full build out for Coyote

Valley imposed on top. It also includes today's transportation network without any Southern Gateway improvements. This is an unrealistic development scenario given that it will take decades for full build out of Coyote Valley. It will likely show similar results as the Coyote Valley Research Park EIR – that approximately 80% of the traffic will come from north of

7. Coyote Valley. This will lead to mitigation measures being focused to the north.

By time the CVSP is fully implemented, significant changes are planned in other cities and for the transportation network. Cumulative long term impacts may show a shift with more traffic coming from the south due to additional housing being available to the south, more jobs in the north competing for the housing in the north, and implementation of Southern Gateway transportation improvements. When the traffic impacts of Coyote Valley are analyzed under this scenario, it may lead to the need for more mitigation measures south of Coyote Valley. The long term cumulative modeling scenario should be used to identify significant CVSP traffic impacts so that the project can mitigate the more likely impacts on the transportation system as full build out occurs.

Thank you for your consideration of the County Roads and Airports Department's comments. Should you have any questions or require further information, please contact Mr. Mike Griffis, Senior Engineer, at 408-573-2447.

Sincerely,



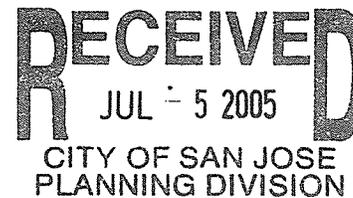
Dan Collen
Deputy Director
Infrastructure Development

cc: Jane Decker, Deputy County Executive
Michael Murdter, Director, Roads and Airports Department
Lizanne Reynolds, County Counsel Office
Mike Griffis, Roads and Airports Department

File: 29241
Fisher Creek

July 5, 2005

Mr. Daryl Boyd
Department of Planning, Building, and
Code Enforcement
City of San Jose
801 North First Street
San Jose, CA 95110-1702



Dear Mr. Boyd:

Subject: Notice of Preparation of a Draft Environmental Impact Report for Coyote Valley
Specific Plan

The Santa Clara Valley Water District (District) received the subject environmental document on June 6, 2005. For purposes of information, the District was created by an act of the California Legislature that allows the District to operate as a State of California Special District with jurisdiction throughout Santa Clara County. The District Act authorizes the District to "... provide comprehensive water management for all beneficial uses and protection from flooding within Santa Clara County." The mission of the District is a healthy, safe, and enhanced quality of living in Santa Clara County through watershed stewardship and comprehensive management of water resources in a practical, cost-effective, and environmentally sensitive manner. The District has adopted various Ordinances and Policies that allow it to accomplish its mission.

The District will work collaboratively with the City of San Jose (City) and Coyote Valley Specific Plan (CVSP) stakeholders to ensure a shared vision for a sustainable and environmentally sensitive development that contributes to an enhanced quality of life for the existing and future residents of Coyote Valley, the City, and all of Santa Clara County. To that end, in May of 2004, District staff provided Guiding Principles to help the City and its consultants in identifying, developing, ranking, and implementing alternatives for the CVSP. Transmitted for your use is a copy of the principles. These Guiding Principles specifically relate to our Board of Directors' Ends Policies for water supply, flood protection, and watershed stewardship.

The CVSP Draft Environmental Impact Report (DEIR) should assess the impacts of the proposed project in the context of District Statutory powers and duties, Ordinances and Policies, as highlighted in the Guiding Principles and the following comments:

The CVSP DEIR

1. In accordance with Section 21069 of the California Environmental Quality Act (CEQA), and in keeping with the procedures described in State CEQA Guidelines, the District will act as a Responsible Agency for certain aspects of the project, including wholesale

water supply and the operation of the conveyance system for flood protection which may include both Fisher and Coyote Creeks. The DEIR must focus on development of a sustainable project that minimizes the need for mitigation with respect to all elements of water resources.

2. The *Proposed Development* section of the NOP states that the project is developed utilizing the concept of sustainable, transit-oriented, walk able, residential, retail, and mixed-use development (p. 7). The term "sustainable" needs to be defined, particularly in the context of water supply and flood protection. For example, energy use both for water supply and flood protection could result in significant individual or cumulative impacts to air quality from electricity generation.

District Board Policy E-1 states that the mission of the District is a healthy, safe, and enhanced quality of living in Santa Clara County through watershed stewardship and the comprehensive management of water resources in a practical, cost-effective, and environmentally sensitive manner. Thus, in the District view, the terms practical, cost effective, and environmentally-sensitive provide a good start toward a definition of the term sustainable. The DEIR should develop alternatives that minimize the environmental impacts and the need for mitigation. Specifically, the project should be developed to minimize the cost and energy use associated with water transport and surface water quality protection (e.g., proposed lake and urban canal circulation).

3. In the *Environmental Effects of the Project, Land Use* section, the NOP states that potential land-use constraints and compatibility between proposed uses will be addressed. The specific compatibility criteria described in the NOP include odors, shade and shadow, electro-magnetic frequencies (EMF), and visual intrusion. In accordance with District policy, compatibility of the urban environment with the creek environment should be studied in the DEIR.

The District Act empowers the District to enhance, protect, and restore riparian streams, riparian corridors, and natural resources in connection with carrying out its projects. District Board Policy E-1.1 requires that opportunities to enhance or restore natural resource benefits of streams and watersheds be identified for specific projects. Accordingly, the DEIR should determine whether new urban uses will impair the ability of the District to enhance or restore natural resource benefits in the creek corridors. Examples of project features that could adversely impact creek corridors include encroachment of high density housing and roadways with inadequate buffers/setbacks or pedestrian/equestrian trails on separate sides of the realigned Fisher Creek. When both compatibility and biological impacts are combined, a setback requirement that is based on adjacent riparian habitat and integrated with any desired recreation elements may be required to mitigate potential project impacts.

Hydrology and Flood Protection

4. The District Act empowers the District to protect the county from flood and storm waters. District Board Policy E-2.2 requires that flood protection facilities be operated and maintained to provide the level of protection for which they were designed in order to protect the community and to comply with regulations of the federal flood insurance rate

program. Flood protection systems to alleviate the existing flooding conditions in the CVSP area should be fully identified and described in the DEIR in order to mitigate the potentially significant effects on locating new development in the area. In addition, the specific flood protection measures proposed for the CVSP must not adversely impact the conveyance and storage improvements identified for the Coyote Valley Research Park (CVRP) development.

The existing Federal Insurance Rate maps on Fisher Creek show the entire site is within designated flood zones, where the base flood elevations have been determined. In addition, portions of the site are in flood zone D, areas of undetermined, but possible flood hazards. To comply with federal flood insurance regulations, the lowest floor and highest adjacent grade of any building must be above the base flood elevation. The District recommends that the lowest floor be a minimum of 2 feet above the 100-year flood elevations for purposes of freeboard.

5. District Board Policy E. 2.2.1 requires that natural flood protection balance environmental quality, community benefit and protection from creek flooding in a cost effective manner. In the long term, flood channels that are designed with geomorphic principles result in reduced sediment removal, bank repairs, and maintenance requirements. Flood protection infrastructure designed in this way are better capable of providing habitat and contributing to water quality goals with the least long term cost. In accordance with these principles, The *Hydrology and Water Quality* sections of the DEIR should clearly describe aspects of the realigned Fisher Creek channel that will result in a geomorphologically stable creek and a functional, modified flood plain without active recreation features (tennis courts, basketball courts, baseball fields, etc.). This approach will support quality riparian and wildlife habitat with minimal channel maintenance requirements in the long term.
6. District Board Policy E-2.2 identifies the objective of ensuring future land use practices will not subject existing urban areas to additional flooding. Placing fill in the existing flood plain of Fisher Creek will alter its storage capacity and reroute flood waters throughout the site. Alteration of the flood plain which would cause induced flooding on adjacent property or affect property downstream on Coyote Creek must not occur. The DEIR should evaluate mitigation measures such as: on-stream storage, off-stream storage, combinations of storage systems, and flood conveyance channels should be identified and analyzed to mitigate for the alteration of the flood plain and increasing the amount of runoff from impervious surfaces due to development.
7. District Board Policies E-2.2.1 for natural flood protection and E-3.1.1 for healthy ecosystems would best be served by development of a performance based riparian corridor policy for the CVSP area. The specific policy should develop a riparian corridor requirement based on geomorphic width requirements, habitat width requirements, and recreation width requirements. The sum of these three requirements would result in the appropriate corridor width. Using the City's Riparian Corridor guidelines for the creek systems may result in long term individual and cumulative impacts.

The current City Riparian Corridor guidelines would typically require minimal setback in areas where the tree canopy and understory vegetation is limited and the creek is

unstable. This is the exact opposite of what would be appropriate from a riparian corridor planning perspective. That is, where the creek is most impacted, more area is needed in order to provide for future stability in a significantly different configuration than that which exists today. The DEIR should identify the development impacts and whether a more protective riparian corridor policy specific to the CVSP project may be required as a mitigation measure.

8. District Policy EL-4 identifies the necessity to identify credible revenues for capital projects and operations (*e.g.*, maintenance). Design and construction of the proposed flood protection improvements in Coyote Valley will directly impact the existing flood plain and drainage patterns in the area. If funding sources for the operation and maintenance of the flood protection improvements are inadequate, future maintenance activities may be affected and result in reduced performance and a lower level of protection for which a facility was designed. District ownership, operation, and maintenance of the proposed flood protection improvements in Coyote Valley are contingent upon adequate funding from a financing mechanism or assessments that may be required as part of the approvals for the proposed development. The District is not interested in the ownership of the proposed urban lake and canal. The role of the District pertaining to the operation of the proposed lake for flood protection purposes shall be determined.
9. The District's Act, Section 4(g), empowers the District to: enhance, protect, and restore streams, riparian corridors, and natural resources. Additionally, District Policies E-2.2 and E-3.1 identifies the objective of protecting the environment during formulation of projects and programs which the District may undertake. In keeping with these objectives and purposes, the District recommends that roadways, parking lots, and all site improvements in the CVSP area should be setback from existing or proposed flood conveyance channels and storage areas. For example, since Coyote Creek provides valuable riparian habitat that serves as a wildlife corridor, adequate buffers, and public access controls necessary to protect the resources should be provided adjacent to development. Developments adjacent to creeks should be carefully developed to protect natural resources and to avoid conflicts associated with accessing, operating, or maintaining the flood protection facilities. The DEIR should therefore identify the impacts that development would have on existing and future riparian corridors and the mitigation measures that are to be implemented. The most common mitigation measure would be adequate setback and limited active encroachment which should be scientifically determined by a biologist and fluvial geomorphologist.
10. The trigger for development in Coyote Valley will be changed to allow residential development to start with fewer jobs being created. This will allow for smaller developments to occur that may not require all the flood protection or water supply infrastructure of large scale developments. Development should be properly staged with the construction of flood protection and water supply infrastructure so as to avoid causing induced flooding conditions or adversely impacting groundwater supplies. For example, flood protection improvements (channels and storage) are generally constructed beginning downstream and continue upstream and are based upon full build out of a tributary area. Since build-out of Coyote Valley will occur over two or more decades, constructing an interim set of flood protection measures would be less

problematic than a series of individual elements (e.g., on site detention) constructed in a piece-meal manner. The design and operation of any flood protection system, whether it is interim or final, must be fully defined and provide 10- and 100-year protection. The DEIR should identify the impacts associated with phasing development and discuss what specific mitigation measures will be utilized for the CVSP project.

11. In the unlikely event that Anderson Dam and/or Coyote Dam were to fail, the water within the reservoir would flow downstream and follow the existing waterways. The amount of water routed downstream would depend upon how much water was in storage behind the dam. The DEIR should identify this existing condition and discuss the associated risks of developing the CVSP area.

Surface Water Quality and Storm Water Runoff

12. In order to implement the District's statutory role in protecting the water supply, District Ordinance 83-2, Section 6.1, prohibits the pollution of water supplies of the District, whether in surface streams, reservoirs, or conduits of any kind, or of groundwater, by any direct or indirect means. Development of Coyote Valley will impact surface water quality and potentially groundwater quality. The DEIR should analyze those impacts and feasible mitigation measures. In addition, the San Francisco Regional Water Quality Control Board (RWQCB) regulates municipal storm water flow into the San Francisco Bay and creeks throughout the Bay Area. The RWQCB regulations require storm water from new and redevelopment projects to be treated before being discharged into Bay Area water bodies. Types of storm water controls include routing the runoff through landscaping, ponds, filters, or other options to remove pollutants.

The District works to protect both surface and groundwater quality by emphasizing the use of non-point source water quality treatment measures for new developments and redevelopment sites. The design of the individual sites should incorporate pre and post construction water quality mitigation measures such as those found in "Start at the Source, Residential Site Planning and Design Guidance Manual for Stormwater Quality Protection," prepared for the Bay Area Stormwater Management Agencies Association. Water quality measures such as bio-filters, drainage swales, concave medians, and pervious islands can be utilized on individual sites.

13. District Board Policies E-2.2.2.2 and E-3.1.1 identify the objective of clean safe water in our creeks and bays as well as maintaining healthy creek ecosystems. Increased frequency and volume of runoff from the proposed development can adversely impact the receiving waters of Fisher Creek and Coyote Creek. Impacts consist of erosion, sedimentation, deposition, reduced channel conveyance capacity, and increased maintenance of the channels. The DEIR should analyze these impacts and identify feasible mitigation measures.

Implementation of hydrologic modification measures based upon the RWQCB C.3 regulations are an effective means of mitigating increased frequency and runoff volume. Specific hydrologic modification requirements should be employed for each proposed site development. Since the Coyote Valley groundwater subbasin is unconfined and the soils are highly permeable, retention basins intended to meet the RWQCB

hydro-modification regulations should not be utilized. Using retention basins would result in infiltration of stormwater runoff into the groundwater basin and impact the groundwater quality.

14. A Notice of Intent must be filed with the RWQCB in compliance with the National Pollutant Discharge Elimination System for storm water discharge prior to beginning construction on individual sites. In keeping with the aforementioned District Policies (E-2.2.2.2 and E-3.1.1), the DEIR should include a discussion of this requirement and the Storm Water Pollution Plan that must be prepared for the development(s).
15. District Board Policy EL-7 states that the organization should not be exposed to unnecessary liability. The DEIR should include a Phase I hazardous materials assessment for the lands that may become a part of the proposed flood protection improvements or other District infrastructure should be completed. The Phase I assessment can be used to establish the occurrence of any potential contamination in the soils or groundwater on the site and identify feasible remediation measures.

Water Supply, Recycled Water, and Water Conservation

16. A Water Supply Assessment (WSA) is required by Water Code Section 10910 (SB 610) and should be completed prior to the issuance of a DEIR. Under SB 610, preparing the WSA for new development is the responsibility of the appropriate water retail agency. However, if the CEQA lead agency is unable to identify the retail water supplier for the project, then the lead agency is responsible for preparing the SB 610 Assessment. The WSA should be included in the DEIR.

The WSA completed for the DEIR should evaluate the extent to which the future land uses will likely increase water demand compared to existing land use. The WSA must address whether the projected water supply for the next 20 years—based on normal, single dry, and multiple dry years—is sufficient to meet the demand projected for the project plus existing and planned future uses. This WSA should be in keeping with District reliability policy that calls for making investments such that the water supply needs of our customers can be met without cutback during a repeat of historical hydrology, as stated in the District's Integrated Water Resources Planning (IWRP) Study 2003 and its 2001 Urban Water Management Plan (UWMP). The future water supply should be described in terms of District Policies and IWRP 2003 objectives. The IWRP 2003 objectives are as follows:

- Ensure supply reliability.
- Ensure supply diversity.
- Ensure water quality.
- Minimize cost impacts.
- Maximize adaptability.
- Protect the natural environment (by maximizing benefit to habitat, ensuring environmental water quality, and maximizing efficiency of existing water resources).
- Ensure community benefits (for recreation, flood protection, and land surface subsidence prevention).

17. As the water wholesaler and groundwater manager in Coyote Valley, the City requested the District, in a consultation role, provide information relevant to the water supply for the proposed CVSP. The District prepared a Water Supply Availability Analysis (Analysis) that was transmitted to the City in April 2005 (enclosed). The District's Analysis provides information that will assist in the preparation of the CVSP DEIR for the WSA by the City or water retailer. This document includes: a discussion of the existing conditions in Coyote Valley, the projected water supply based on current operations and facilities, and the estimated water demand after the CVSP is in place. Possible alternatives for supplementing the water supply in Coyote Valley are also discussed. The Analysis is consistent with the District's 2001 UWMP and the 2003 IWRP, both of which considered the water demand from the proposed CVSP. The information and alternatives discussion in the Analysis should be reflected both in the City's WSA and the DEIR evaluation of water resources impacts and mitigation measures.
18. The information provided in the District's Analysis reflected an understanding of the CVSP at that time, which included the City Council's Vision Statement calling for 25,000 households and 50,000 jobs. The NOP states that the CVSP includes approximately 26,600 dwelling units and 53,000 jobs with approximately 1.5 million square feet of retail uses and perhaps two high schools, two middle schools, seven elementary schools, a community college, various parks and festival facilities, and other uses. The water demand projections used in the District's Analysis do not reflect this additional information. As the draft DEIR is developed, it is anticipated that more information on the land use and demographics resulting from the CVSP will be known, necessitating an update of the water demand projections. The analysis of resource impacts in the DEIR should be based on an update of the water demand projections as developed collaboratively between the District, the City, and the CVSP project consultants. Different CVSP project alternatives may have different water demand projections and impacts, which require different mitigation measures.
19. District Policy E-2.1.3 states that water supply is reliable to meet future demands. The impacts of the CVSP alternatives on water supply source availability, water quality, and water reliability in the Coyote Valley area and elsewhere in the District's service area should be evaluated. Preliminary estimates of the water demands in the Coyote Subbasin with the CVSP development are 16,000 to 20,000 acre-feet per year compared to 8,000 acre-feet per year of water used if the subbasin is to remain in balance. Avoiding impacts to groundwater users and the ecological resources dependent on the groundwater resource, including Coyote Creek fisheries, will require mitigation for the water supply impacts. Possible mitigation measures for the impacts to the water supply should be evaluated, including:
 - Aggressive water conservation.
 - Extensive use of recycled water from the existing Silver Creek delivery system.
 - Expansion of the South Bay Water Recycling delivery capacity.
 - Additional groundwater recharge facilities.
 - Treated surface water deliveries.
 - Export of water from the Santa Clara Valley Subbasin.
 - Additional water transfers from other water purveyors in the state.
 - Additional surface water storage in-county or out-of-county.

- Watershed to watershed transfers and storage.
- Additional groundwater storage out of county.
- Altering the land use plan to minimize water supply impacts or shortfalls.

The water supply impacts of the CVSP on existing water users and other future water users within the county should be discussed and potential mitigation measures identified. Any mitigation measures which would create significant effects in addition to those impacts associated directly with the proposed CVSP project need to be analyzed and their mitigation measures should also be identified in the DEIR.

20. A provision of District water supply services may require location of facilities such as percolation facilities within the greenbelt area. At the first CEQA scoping meeting held on June 21, 2005, City staff and the DEIR consultants informed the audience that the greenbelt area would not be studied. To the extent that this means that impacts associated with water supply infrastructure (percolation ponds, transmission pipelines, etc.) required in the greenbelt are not identified, the ability of the District to act as a Responsible Agency would be significantly affected. Project alternatives that require land area or facilities in the greenbelt, whether directly or in order to implement mitigation resources, must be analyzed in the DEIR.

The District's 2003 IWRP identified a need for additional recharge capacity to serve south Santa Clara County in the future, including the CVSP area. The land use alternatives for the project should include the investigation of setting aside land for future recharge facilities in appropriate locations, as identified collaboratively by the City and the District. These facilities can be compatible with other District and CVSP objectives, such as recreation. Potential water supply sources for the recharge facilities should be evaluated from the perspectives of water quality, water supply reliability, and cost both to the CVSP users and to the District's water supply customers as a whole.

21. One evaluation criteria for the CVSP development include ecological sustainability: "CVSP should be designed to minimize waste, efficiently use its natural resources, and to manage and conserve them for use of the present and future generations," including conserving water as a precious resource. This is in keeping with the prohibitions against water waste in the California Water Code and supports District Board Policy E-2.1.3., which states that water supply is reliable to meet future demands.

In order to mitigate the impacts of the new development on water supply resources, the District recommends maximizing water use efficiency measures throughout the CVSP, including residences, businesses, landscaping, and public areas. Water use efficiency measures that should be evaluated by the City in the CVSP DEIR include but are not limited to:

- Dual plumbing for interior recycled water use.
- Recycled water for exterior uses.
- Construction standards that require high-efficiency fixtures (for example, high-efficiency 1.2-gallons-per-flush toilets).
- Construction standards that require high-efficiency devices for outdoor water uses (such as self-adjusting weather-based irrigation controllers).

- The use of fully advanced treated recycled water (e.g., reverse osmosis) for irrigation of large landscaped areas.
- The use of fully advanced treated recycled water for all water features, such as fountains as well as the focal-point lake and urban channel.
- Enforcement of the City's Model Water Efficient Landscape Ordinance (as per AB 325 1990).
- Promotion and use of drought tolerant and native plantings in landscaping.

Requiring appropriate water resource efficiency measures should be included in the CVSP through the zoning code, design guidelines, development agreements, and development permit conditions.

22. Section 13550(a) of the California Water Code states, "The Legislature hereby finds and declares that the use of potable domestic water for nonpotable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available which meets all of the following conditions" In addition, District Policy E-2.1.6 supports expanding the appropriate use of water recycling in Santa Clara County in partnership with the community.

The CVSP consultants have preliminarily estimated that the large landscape area (parks, schools, right-of-ways, and open space) within the CVSP is 730 acres, with an estimated water usage of 4,000 acre-feet per year. In addition, it is estimated that approximately 1,000 acre-feet of demand in the greenbelt area (primarily at the Coyote Creek Golf Club) could also be met with recycled water if it were available. What has yet to be identified is the amount of recycled water, other than for large landscape areas, which could be supplied for other non-potable uses such as office buildings and common areas associated with the high density housing. The potential for recycled water use within the CVSP should be fully analyzed in the DEIR. Recycled water use, including dual plumbing, should be promoted in the CVSP land use plan, zoning, design guidelines, development agreements, and development permit conditions.

The Silver Creek Pipeline that will serve the Metcalf Energy Center in north Coyote Valley has capacity available to serve additional recycled water users in Coyote Valley up to 5 million gallons per day (mgd). The existing delivery system could be expanded for recycled water use beyond the District's 5-mgd share of the Silver Creek pipeline. Another alternative for expanding the recycled water capacity beyond the District's 5-mgd share of the existing system is through the development of a scalping plant in the Coyote area. Diverting some of the wastewater stream from Coyote Creek and treating it in Coyote Valley provides another source of recycled water, one not dependent on the existing South Bay Water Resource delivery system. Discussion of these alternatives should be included in the DEIR.

Groundwater Quality

23. District Policies E-2.1.1 states that the available water supply meets or exceeds all applicable water quality regulatory standards. The NOP identifies that "appropriately

treated recycled water would also be extended to the Greenbelt area for irrigation and groundwater recharge purposes.” The use of recycled water for groundwater recharge purposes will require approval of not only the District but the Department of Health Services, and it is unknown whether that use is feasible in the Coyote Valley. This alternative requires careful evaluation, and the District will work collaboratively with the City to assess its feasibility and its environmental consequences. The DEIR should not conclude that recycled water will be used in to the Greenbelt for groundwater recharge purposes until the evaluation is completed, it is deemed feasible, and the appropriate agencies provide approval.

24. District Board Policy E-2.1.5 states that the groundwater basins are aggressively protected from contamination or the threat of contamination. The Coyote Valley groundwater subbasin is an unconfined highly permeable aquifer with high transmissivities within the Specific Plan area. The groundwater subbasin is currently the sole source of water supply for the Coyote Valley.

Alternatives for zoning, design guidelines, development agreements, and development permits within the CVSP should be evaluated for the impacts on groundwater quality and the groundwater resource, and mitigation measures should be identified and analyzed. Potential groundwater impacts include the following:

- i) Facilities that pose significant risks to groundwater include facilities that handle hazardous materials, gasoline stations, dry cleaners, and hazardous waste generators. Mitigation measures that should be evaluated include siting such facilities outside the groundwater subbasin; siting such facilities outside of wellhead protection zones around existing or future groundwater production wells; prohibiting below-ground storage of chemicals for manufacturing, sale, or commercial purposes; and requiring below-ground storage facilities to be installed in vaults such that they can be visually inspected and repaired as necessary. Active groundwater monitoring with response plans in place that enable early warning and resource protection should be incorporated into mitigation measures for the CVSP. More information on drinking water source protection is available from the District and through the California Drinking Water Source Assessment and Protection (DWSAP) program.
- ii) Any surface waters that have the potential to percolate into the ground must be of such quality as to not degrade the quality of the groundwater. Any water features, flood retention or detention facilities, or storm water runoff will need to be managed and/or treated so that they do not adversely impact the groundwater resource. This is in accordance with the NPDES permit C.3 provisions. Mitigation and monitoring measures that ensure the groundwater basin is protected from water quality impacts from water features and urban runoff should be identified and evaluated in the CVSP DEIR.
- iii) The NOP refers to the use of appropriately treated recycled water. Given the hydrogeology of the Coyote Subbasin, even when recycled water is intended for irrigation, some of this applied water will work its way to the water table and the principal aquifer. The recently completed Advanced Treated Recycled Water

Feasibility Study concluded that the existing tertiary treated recycled water could have impacts on Coyote Valley groundwater quality if used in that area. Using the results of this feasibility study, additional District staff analysis that considered all applicable regulations concluded that recycled water used in Coyote Valley which may percolate into the groundwater subbasin be fully advanced treated. Full advance treatment often includes reverse osmosis and ultraviolet light treatment, or similarly effective treatment options. This conclusion was supported by technical review performed by two different external consultants. This is consistent with the District's policy that the groundwater basins are aggressively protected from contamination and the threat of contamination as stated in the UWMP and the IWRP.

25. District Ordinance 90-1 governs the construction and destruction of groundwater wells. If any groundwater wells will be altered, abandoned, or destroyed, a well permit from the District will be required. The well(s) should be properly registered with the District and either maintained or abandoned in accordance with established standards. For more information regarding well permits please contact the District's Well Services Unit at (408) 265-2600, extension 2660.

Watershed Operations

26. Pumping of the Coyote groundwater basin for water supply is integral to the CVSP project alternatives. District Board Policy E-3.1 states that watersheds, streams, and the natural resources therein are to be protected and when appropriate enhanced or restored. Because groundwater pumping will impact surface waters in Coyote and Fisher Creeks, the *Biology* section must evaluate the impacts of affecting these live streams. Changes in the groundwater elevation may have far-reaching effects on the surface water ecology.
27. The District's operations of Anderson Reservoir, Coyote Reservoir, and Coyote Percolation Dam within the Coyote Creek watershed are governed by the State Water Resources Control Board through water rights obligations and District Board Policy EL-7.8, which states that water rights shall be protected. The District has operational requirements and constraints that must be met. For example, the acceptable beneficial uses under the District's water rights for Anderson Reservoir are limited to domestic, irrigation, and minor industrial uses and do not include architectural water features. The District also must operate Anderson Reservoir and Coyote Canal based upon a court settlement that dictates releases to Coyote Creek. In addition, the District has in-stream obligations under the draft Fisheries and Aquatic Habitat Collaborative Effort (FAHCE) agreement with the regulatory resource agencies (California Department of Fish and Game, RWQCB, U.S. Fish and Wildlife) for the protection of steelhead on Coyote Creek downstream of Anderson Dam. These constraints on watershed operations should be analyzed in the DEIR.
28. In accordance with the September 9, 2003, Memorandum of Understanding (MOU) between the City, County, the Santa Clara Valley Transportation Authority, and the District, a Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (HCCP) and related environmental documents are being developed. The DEIR should

Mr. Daryl Boyd
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July 5, 2005

reference the HCP and NCCP and the relationship of any proposed mitigation for CVSP impacts on endangered species as a result of the project.

Thank you for the opportunity to review and comment on the Coyote Valley Specific Plan NOP. Please transmit a minimum of four complete copies of the DEIR and the Appendices when they are available for public review.

For all questions and inquiries for information regarding District water supply, recycled water, flood protection, and watershed operations, please contact me at (408) 265-2607, extension 2439.

Sincerely,



Vincent Stephens, P.E.
Associate Civil Engineer
Community Projects Review Unit

Enclosure

cc: S. Williams, W. Wadlow, J. Fiedler, K. Whitman, M. Richardson, M. Klemencic,
S. Tippets, B. Ahmadi, J. Crowley, B. Judd, D. Higgins, B. Smith, E. Fostersmith,
S. Rose, M. Meredith, T. Hipol, S. Yung, S. Katric, J. Wang, W. Chang, L. Lee,
V. Stephens, File (2)

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ENCLOSURE

**SANTA CLARA VALLEY WATER DISTRICT'S GUIDING PRINCIPLES
FOR THE CITY OF SAN JOSE'S COYOTE VALLEY SPECIFIC PLAN**

May 2004

INTRODUCTION

The Santa Clara Valley Water District (District) manages Santa Clara County's water resources, coordinates flood protection for its 1.7 million residents, and serves as steward of the county's more than 700 miles of streams and 10 district-built reservoirs. The District's mission is a healthy, safe, and enhanced quality of living in Santa Clara County through watershed stewardship and comprehensive management of water resources in a practical, cost-effective, and environmentally sensitive manner. To achieve its mission, the District works collaboratively with the community to jointly address interests and concerns on projects throughout the county.

One such project of critical importance to county residents and the District is the City of San Jose's Coyote Valley Specific Plan (CVSP). The District is a member of the CVSP's Technical Advisory Committee. The City of San Jose's vision for Coyote Valley amounts to the creation of a "new town", with a minimum of 25,000 households, 50,000 jobs, and 80,000 people. The District's goal is to work collaboratively with the City of San Jose and CVSP stakeholders to ensure a shared vision for a sustainable and environmentally sensitive development that contributes to an enhanced quality of life for the existing and future residents of Coyote Valley, the City of San Jose, and all of Santa Clara County. To that end, the District is providing these guiding principles to help the City of San Jose and its consultants in identifying, developing, ranking, and implementing alternatives for the CVSP. They are presented in the following section according to their relation to our Board of Directors' Ends Policies for water supply, flood protection, and watershed stewardship.

GUIDING PRINCIPLES

1. Water Supply

Board Ends Policy 2.1.3: "The water supply is reliable to meet future demands as identified in the District's Integrated Water Resources Plan process."

Goal: To ensure that a reliable supply of high-quality water is provided to the residents and businesses within the Coyote Valley Specific Plan area and for the residents and businesses in the rest of Santa Clara County.

Guiding Principles:

- As the regional groundwater manager, the District is in a unique position to assess the water supply availability in Coyote Valley and the regional impacts that this development will have on groundwater resources and water supply reliability in the project area and elsewhere in the county. Additional information on demand and presumed sources of supply are needed for the



District to be able to make this assessment. The City has agreed to provide this information to District staff.

- Using the information provided by the City, District staff will perform additional work to determine what water infrastructure will be required to maintain a reliable water supply for a sustainable community in the CVSP project area. It is expected that additional facilities will be required to meet this demand and that the CVSP will address these requirements.
- The District encourages the appropriate use of recycled water for this project, in keeping with Board Ends Policy 2.1.6, which promotes expanding water recycling within Santa Clara County in partnership with the community. The Silver Creek Pipeline that will serve the Metcalf Energy Center in north Coyote Valley has capacity available to serve additional recycled water users in Coyote Valley.
- The Model Efficient Landscape Ordinance (AB 325 enacted in 1990) requires certain water conservation measures and practices for developer-installed landscapes. Emphasis should be placed on using native, drought tolerant landscapes.
- The CVSP provides an opportunity to go beyond the requirements and serve as a showcase for water use efficiency in both the residential and business sectors. The District's water use efficiency staff can provide expertise in this area.

Board Ends Policy 2.1.5: "The groundwater basins are aggressively protected from contamination and the threat of contamination."

Goal: The Coyote Valley Subbasin is shallow and unconfined. Aggressively protecting this resource is a top priority for the District.

Guiding Principles:

- Any surface waters that have the potential to percolate into the ground must be of such quality as to not degrade the quality of the groundwater. Any flood retention or stormwater runoff will need to be managed and/or treated so that it does not adversely impact the groundwater resource, in accordance with the C.3 provisions of the Santa Clara Valley Urban Runoff Pollution Prevention Program's (SCVURPPP's) NPDES permit, for which the District and the City of San Jose are co-permittees.
- Due to the sensitivity of the groundwater subbasin, high-risk land uses such as underground chemical storage should be avoided. If high-risk land uses cannot be avoided, then monitoring and/or mitigation measures should be implemented to provide early detection and/or additional protective barriers.
- Due to the sensitivity of the groundwater subbasin, recycled water used for irrigation or water features should be fully advanced treated. This is in accordance with District policy and as per resolution of the South Bay Water Recycling Collaborative Effort. Whether this additional treatment is best added at the wastewater plant in north San Jose or at a satellite plant in Coyote Valley is yet to be determined.

Board Executive Limitation 7.9: "The District's CEO shall not fail to protect water rights, rights of way, and flood control facilities."

Goal: The District's operations of Anderson Reservoir and within the Coyote Watershed are governed by water rights obligations and operational constraints that must be met.

Guiding Principles:

- Anderson Reservoir and Coyote Creek operations are dictated by a number of rules and conditions. For example:
 - The acceptable beneficial uses under the District's water rights for Anderson Reservoir are limited to domestic, irrigation, and minor industrial uses and do not include architectural water features.
 - There is no guarantee that surface water will be available. Surface supply availability from Coyote Creek depends on a number of factors and is subject to a number of operational limitations and other District priorities.
 - A District priority is meeting our obligations under the Fisheries and Aquatic Habitat Collaborative Effort (FAHCE) agreement for the protection of steelhead on Coyote Creek.
 - The District is required to maintain recharge in Coyote Valley to what would have occurred naturally if Anderson Reservoir were not built.
 - The Coyote Canal operation is required by court decision to reduce high groundwater conditions that could result from higher Coyote Creek flows.
- Water operations in Coyote Valley require a balancing act to avoid high groundwater nuisance conditions while maintaining the groundwater subbasin flows to the Santa Clara Valley Subbasin in the north.

2. Flood Protection

Board Ends Policy 1.2: "There is a reduced potential for flood damages."

Goal: To ensure that the Coyote Valley Specific Plan project area is developed to provide for flood protection in the most environmentally sensitive manner attainable.

Guiding Principles:

- The project shall be designed in compliance with District Ordinance 83-2 which contains provisions for flood control responsibilities, maintenance of watercourses, joint use of projects, preventing pollution of District water supplies and impacts to District assets, and encroachment upon or interference with watercourses except by District permit.
- Flood management facilities should be designed to minimize need for maintenance and be dedicated to a responsible public agency to assure adequate maintenance and operations.
- The project should not cause flooding impacts on Coyote Creek downstream of the CVSP project area. Accordingly, the project should be coordinated with the hydrologic studies being conducted as part of the Hydromodification Management Plan pursuant to the SCVURPPP's

NPDES permit. The primary purpose of this principle is stream stability and consequent minimization of erosion damage.

- Flood control and other project features should be designed to provide for ongoing maintenance access to District facilities, and specifically in such a manner as to minimize the need for and cost of bank protection, sediment removal, and vegetation management.
- Flood protection design should recognize the environmental and economic benefits of using natural materials and methods to maintain stream flows and preserve riparian habitat.
- Flood protection design should incorporate habitat restoration for Fisher Creek. Fluvial geomorphic principles should be utilized in channel design, and revegetation should be in accordance with Appendix B, Guidelines for Riparian Revegetation Projects, of the District's December 2000 Coyote Watershed Aesthetic Guidelines.
- The project should preferably be Federal Emergency Management Agency (FEMA)-certified to remove properties from the FEMA floodplain. The project area should be re-mapped by FEMA upon completion of the project.

3. Watershed Stewardship

Board Ends Policy 3.1: "Watersheds, streams, and the natural resources therein are protected and when appropriate enhanced or restored."

Goal: To ensure that the Coyote Valley Specific Plan is developed in a way that provides the maximum habitat quality within the context of the plan's purpose.

Guiding Principles:

- Adequate setbacks should be provided for habitat quality and to protect riparian corridors. Within these corridors no structures or active recreation uses should be allowed.
- The stormwater runoff management system, including storm drains and creek outfalls, should be designed in such a manner as to not impair stream water quality or creek stability downstream of the CVSP project area.
- The project should be in compliance with the SCVURPPP's NPDES permit, including the October 2001 Regional Water Quality Control Board Order 01-119 amending the Program's C.3 permit provisions regarding new development and redevelopment requirements. In particular, per C.3 provisions the project shall be required to treat its stormwater and shall not increase stormwater runoff rates or durations when such increases will result in an increased potential for erosion or other adverse impacts to beneficial uses.
- The project should be designed to not adversely impact the Coyote Creek fishery or stream flows. For example, FAHCE specifies that a cold water fish rearing area is to be maintained on Coyote Creek from May through October. Discharges of flows from the development that would increase Coyote Creek stream water temperature or otherwise adversely impact the Coyote Creek fishery during this period should be avoided.

- The project should ensure that the Coyote Greenbelt is preserved as open space, provides maximum protection of Coyote and Fisher Creeks, and allows for wildlife movement between the creeks and adjacent upland areas.
- The project should be coordinated with and/or be consistent with the elements of:
 - The guidelines for projects within the Coyote Watershed contained in the District's December 2000 Coyote Watershed Aesthetic Guidelines and the City of San Jose Riparian Restoration Action Plan and Riparian Corridor Policy Study.
 - The August 2003 Watershed Action Plan, which resulted from the Santa Clara Basin Watershed Management Initiative to which both the Santa Clara Valley Water District and the City of San Jose were signatory.
 - The Santa Clara County Habitat Conservation Plan/Natural Community Conservation Plan currently being developed.
 - The goals and objectives of the District's December 2001 Coyote Watershed Stream Stewardship Plan.
 - The Water Resources Protection Collaborative currently underway.

Board Ends Policy 2.2: "There are additional open spaces, trails, and parks along creeks and in the watersheds when reasonable and appropriate."

Goal: To ensure that the Coyote Valley Specific Plan is developed in a way that maximizes recreational benefits to the community.

Guiding Principles:

- The project should provide for low-impact recreation outside of the riparian corridor dedicated for habitat.
- The project should be coordinated with the Santa Clara County Parks and Recreation Department's Coyote Creek Master Plan currently underway.

CONCLUSION

The purpose of this document is to summarize for the City of San Jose and its consultants guiding principles for the development of the Coyote Valley Specific Plan from the perspective of the District's mission to ensure a reliable, high quality water supply, protection from floods, healthy creek ecosystems, and recreational opportunities for those who live and work within Santa Clara County.

The District looks forward to working with the City of San Jose, its stakeholders, and its consultants on the Coyote Valley Specific Plan in making this project a showcase for visionary urban design and environmental sustainability. District staff will continue to participate through the CVSP Technical Advisory Committee, as well as directly with City of San Jose staff and its consultants.

ENCLOSURE

Water Supply Availability Analysis for the Coyote Valley Specific Plan

April 2005

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**groundwater
management**

**Santa Clara Valley
Water District**



Coyote Valley Specific Plan Water Supply Availability Analysis

The City of San Jose is currently preparing for the development of the Coyote Valley, and has asked the District to provide information on the water supply available to serve the development that will result through the Coyote Valley Specific Plan (CVSP).

Under SB 610, preparing the Water Supply Assessment for new development is the responsibility of the appropriate water retail agency. However, if the CEQA lead agency is unable to identify the retail water supplier for the project, then the lead agency is responsible for preparing the SB 610 Assessment. Given the District's role as the water wholesaler and groundwater manager in this area, the City as lead agency has requested that the District, in a consultation role, provide information relevant to the water supply for the proposed CVSP. This information will aid the City in its preparation of the SB 610 Water Supply Assessment.

This document was prepared in response to that request, and includes: a discussion of the existing conditions in Coyote Valley, the projected water supply based on current operations and facilities, and the estimated water demand after the CVSP is in place. Possible alternatives for supplementing the water supply in Coyote Valley are also discussed. The information in this analysis is consistent with the District's 2001 Urban Water Management Plan (UWMP) and the 2003 Integrated Water Resources Planning Study (IWRP), both of which considered the water demand from the proposed CVSP. How the alternatives fit into these existing District Plans is also discussed.

In May of 2004, the District provided guiding principles to help the City of San Jose and its consultants in identifying, developing, ranking, and implementing alternatives for the CVSP. By following those guiding principles, the City can help ensure the District's success in meeting the long-term needs of those who live and work in Santa Clara County, including the Coyote Valley.

The following analysis relies on information currently available from the City of San Jose and its CVSP core consultant team as well as the District's UWMP, IWRP, and other District sources. As more information is developed or our understanding changes through the land use planning and CEQA processes, some of the following analysis may need to be updated.

Coyote Valley and the District's Urban Water Management Plan

During the preparation of the District's 2001 UWMP, City of San Jose staff informed the District of the long-term vision for the Coyote Valley. Based on this information, the UWMP did include the vision's projection of 25,000 households and 50,000 jobs for the Coyote area.

As stated in the UWMP, the District's Board of Directors has adopted Ends Policies as direction to the CEO and staff as to the intended results of District actions. These Ends Policies, and how they can be used to guide the CV SP, were provided to the City in a document entitled "The Santa Clara Valley Water District's Guiding Principles for the City of San Jose's Coyote Valley Specific Plan" in May 2004 and are attached for reference. Following the guiding principles will help ensure the District's success in meeting the long-term needs of those who live and work in Santa Clara County, in accordance with the District's adopted Plans such as the UWMP.

In recognition of the high variability in hydrology and the importance of a reliable water supply in all years, not just on average, The UWMP and the IWRP evaluate the water supply outlook under different hydrologic conditions. Although the water supply information in this WSAA has

been updated from that found in the 2001 UWMP to reflect the District's increased understanding of the Coyote Subbasin, the same approach for characterizing water supply is used. As described later in this document, the water supply projections are very similar and the differences do not substantially change the water supply reliability estimates for the Coyote Valley.

Water conservation was identified as an important component of meeting future water needs in both the IWRP and the UWMP. Recycled water is also one of the key components of the District's water supply mix. As stated in the UWMP, the District target is that water recycling will account for 10 percent of the total water supply in Santa Clara County by the year 2020. Promoting water use efficiency measures such as water conservation and water recycling in major new developments like the CVSP is consistent with the District's water supply planning as adopted in the UWMP and the IWRP.

Background

The mission of the District is a healthy, safe, and enhanced quality of living in Santa Clara County through watershed stewardship and comprehensive management of water resources in a practical, cost-effective and environmentally sensitive manner. As the County's water wholesaler, the District helps ensure there is enough water for the area's needs now and in the future, while maintaining flood protection and protecting the environment.

Since the 1850s, groundwater has been an important component of water supply in Santa Clara County. Historical overpumping of the groundwater subbasin and significant land subsidence in the northern portion of the county led to the formation of the District as the county's groundwater management agency in 1929. Growing populations increased demands on the groundwater subbasin. Land subsidence continued and led to the construction of ten local storage reservoirs, with a combined capacity of 169,000 acre-feet, the importation of surface water, and the construction of three water treatment plants. Today, the District conjunctively manages groundwater and surface water to provide a reliable water supply for the county's 1.7 million residents and its businesses.

The District operates and maintains a countywide conservation and distribution system to convey untreated surface water to groundwater recharge facilities and treatment plants, and to convey treated water to retailers. This water conservation and distribution system includes local reservoirs designed to capture and store runoff, three water treatment plants, District in-stream and off-stream groundwater recharge facilities, and the groundwater subbasins.

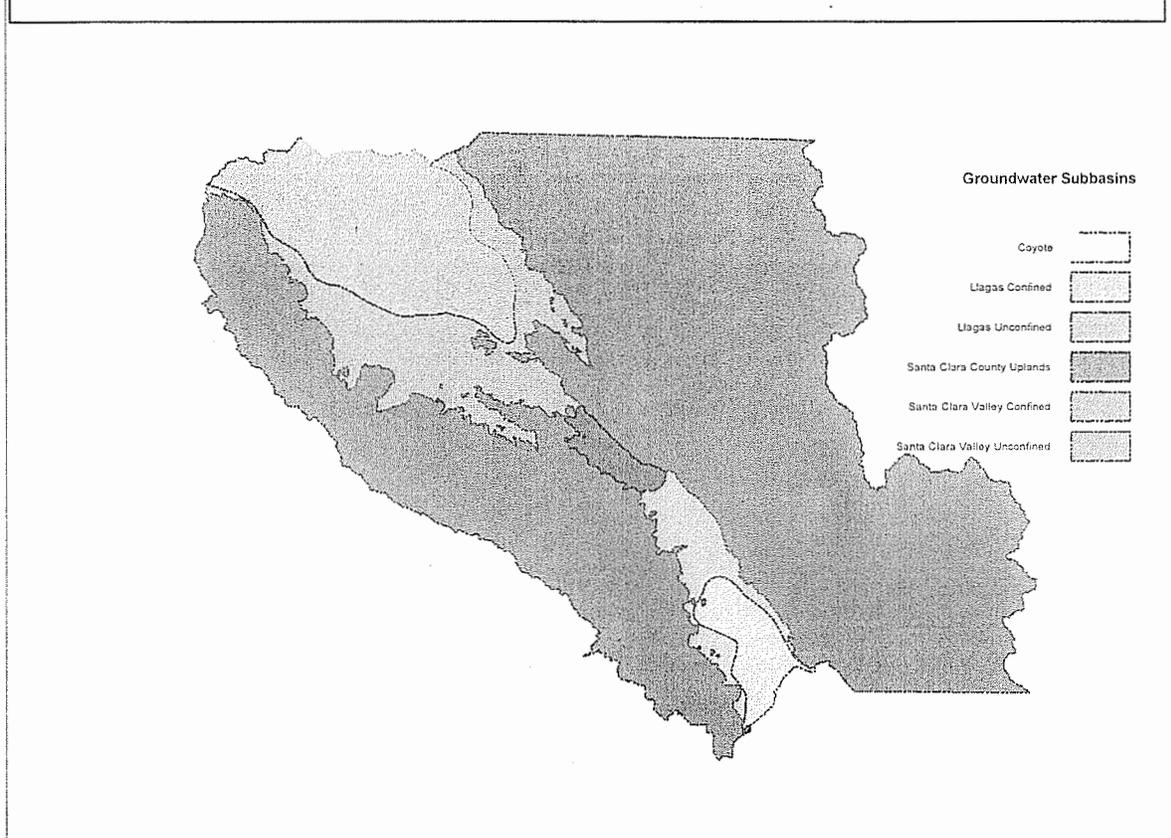
Santa Clara County Groundwater Subbasins

Santa Clara County contains three interconnected groundwater subbasins that transmit, filter, and store vast quantities of water. These subbasins are shown in Figure 1.

The Santa Clara Valley Subbasin in the northern part of the county extends from Coyote Narrows at Metcalf Road to the county's northern boundary. The subbasin is bound on the east by the Diablo Range and on the west by the Santa Cruz mountains; these two ranges nearly converge at the Coyote Narrows. The Coyote Subbasin extends from Metcalf Road south to Cochrane Road, where it meets the Llagas Subbasin at a prescribed boundary that generally coincides with a groundwater divide. The Llagas Subbasin extends from Cochrane Road, in Morgan Hill, to the county's southern boundary. The subbasin is hydraulically connected to the Bolsa Subbasin of the Hollister Basin and is bounded on the south by a prescribed boundary at the Pajaro River (the Santa Clara - San Benito County line).

The three subbasins serve multiple functions. They transmit water through the gravelly alluvial fans of streams into the aquifer zones. They filter water, making it suitable for drinking and for municipal, industrial, and agricultural uses. The subbasins collectively also have vast storage capacity, together providing protection against drought and surface water interruptions. Groundwater elevations are affected by natural and artificial recharge and groundwater extraction, and are an indicator of how much groundwater is in storage at a particular time. Both low and high elevations can cause adverse conditions. Low groundwater levels can lead to dry water-production wells and adverse impacts to fisheries and riparian habitats. High groundwater levels can lead to damaged crops, ineffectual septic systems, and nuisance conditions for below-ground structures necessitating dewatering.

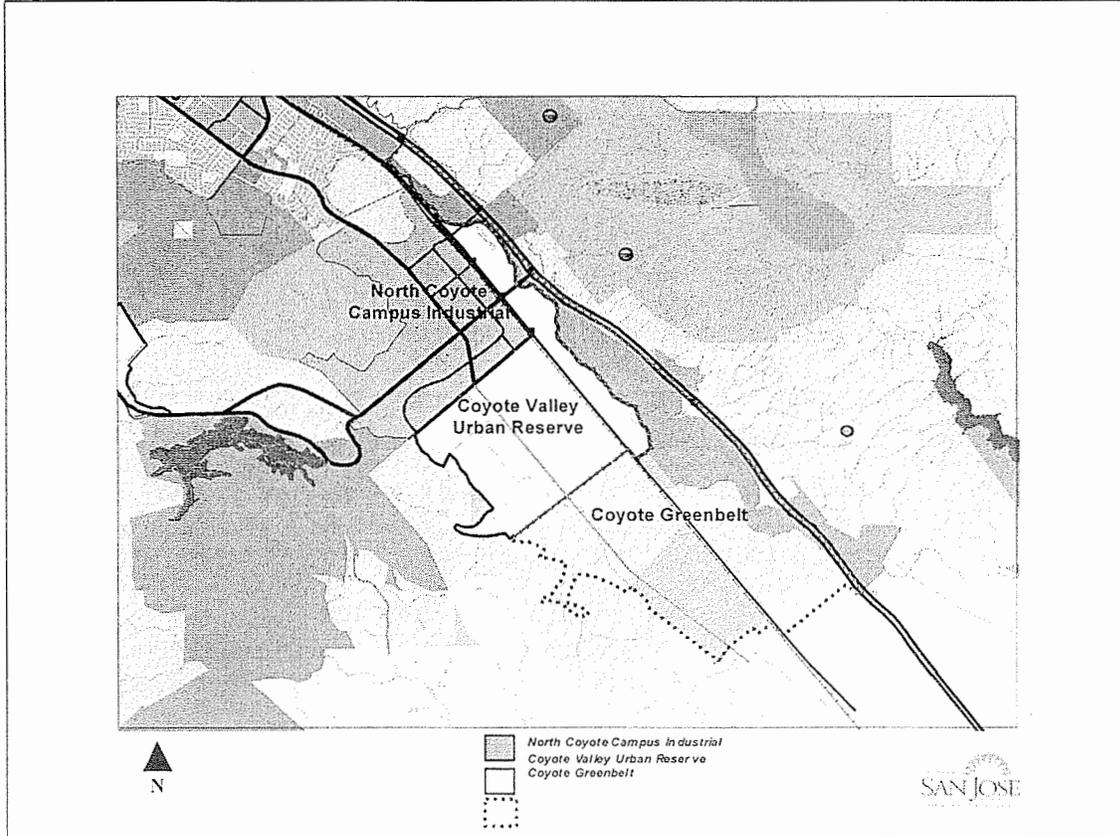
Figure 1. Groundwater Subbasins in Santa Clara County



The Coyote Valley Specific Plan

The Coyote Valley Specific Plan (CVSP) being developed by the City of San Jose calls for a mixed used development of more than 25,000 residences and 50,000 jobs within an area that extends from the Coyote Narrows in the north almost to Burnett Avenue in the south. Although this area makes up the majority of the Coyote Subbasin, the subbasin includes some additional area, primarily to the south and to the east. The CVSP is shown in Figure 2.

Figure 2. CVSP Area



Evaluating the future water supply for the CVSP entails looking at the water use and water supply for the Coyote Subbasin as a whole, including not only the greenbelt area but also a portion of the City of Morgan Hill that is also served by groundwater from the Coyote Subbasin. This is necessary since all users within the subbasin impact each other, relying on a shared source of supply.

Historical and Existing Conditions in the Coyote Valley Area

The Coyote Subbasin is approximately 7 miles long and 2 miles wide and has a surface area of approximately 15 square miles. The Coyote Subbasin is generally unconfined and has no significant, laterally extensive clay layers. The Coyote Subbasin is hydraulically interconnected with the Santa Clara Valley Subbasin to the north, and groundwater generally flows north from the Coyote Subbasin into the Santa Clara Valley Subbasin.

Coyote Creek flows north along most of the length of the subbasin near its eastern extent, downstream of and benefiting from controlled releases from Anderson and Coyote Reservoirs. Fisher Creek is an unregulated stream on the west that also flows north, receiving drainage from a significant portion of the Coyote valley floor before converging with Coyote Creek near the Narrows. In its downstream reaches, Fisher Creek gains flow from the subbasin during high groundwater conditions. Both creeks support important habitat corridors, including steelhead and salmon fisheries within Coyote Creek.

The water needs of this area are currently served by the Coyote Subbasin primarily. The subbasin is replenished both by natural recharge and by artificial recharge from controlled

releases to Coyote Creek. The District's Cross Valley pipeline traverses the area, carrying water from the Central Valley Project's San Felipe Division as well as, potentially, water from Anderson Reservoir to the District's water treatment plants and recharge facilities in the northern portions of the County. Recycled water is scheduled to be delivered to the Metcalf Energy Center in the northern area of the Coyote valley from the City of San Jose's South Bay Water Recycling Program. This projected demand of about 2850 acre-feet per year will continue to be served by recycled water in the future as well.

Historically, low lying areas in the north and western portions of the valley have experienced drainage difficulties, including high groundwater conditions. The operational storage of the Coyote Subbasin is estimated to be quite small, only about 25,000 acre-feet. Maintaining groundwater supplies while avoiding nuisance high-groundwater conditions is a challenge made even more difficult by the important fishery and habitat needs supported by Coyote Creek.

As an unconfined aquifer with little separation between the land surface and groundwater surface, the subbasin is also very sensitive to potential groundwater contamination. The valley is largely rural currently, although nitrates from septic systems and agricultural runoff are found in some areas. As the area urbanizes, additional potential sources of contamination (such as urban runoff, gas stations, dry cleaners, and leaking sewer lines) may present new challenges.

Existing Groundwater Elevations

General groundwater elevations in the Coyote Subbasin are represented by three index wells shown in Figure 3. Throughout 2003, groundwater elevations were at least 34 feet above minimum recorded levels and at least 13 feet below the maximum levels recorded in 1983.

General groundwater elevation conditions for the Coyote Subbasin are shown on composite contour maps showing lines of equal groundwater elevation for spring and fall 2003 (Figures 4 and 5). Data from 49 wells were used to construct these contour maps. These maps show a fairly significant decline in groundwater elevations between the spring and fall. This decline is an annual phenomenon that corresponds to the agricultural irrigation season and increased summer water use. Groundwater elevations increase in the winter, when most groundwater extraction for irrigation stops and the rainy season begins.

Figure 3. Hydrograph for Coyote Subbasin Index Wells

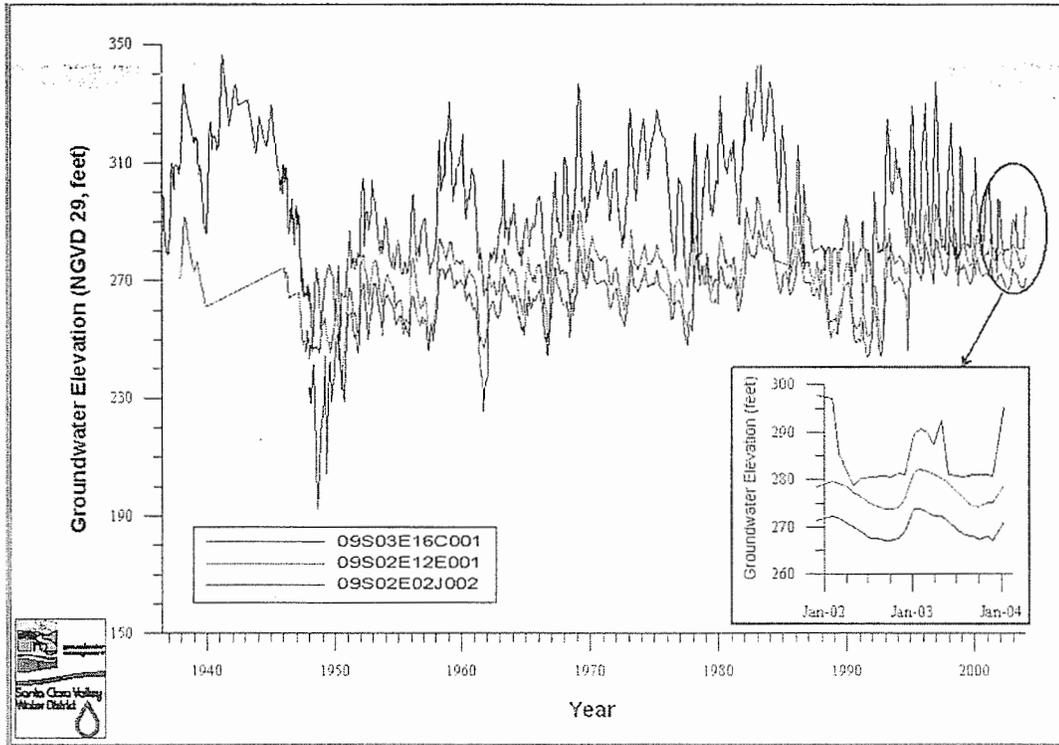


Figure 4. Groundwater Elevation Contours Spring 2003

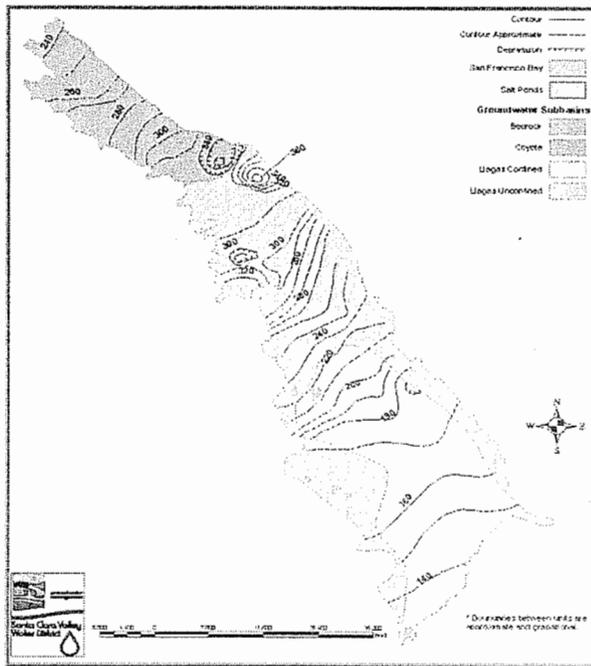


Figure 5. Groundwater Elevation Contours Fall 2003



Existing Groundwater Quality

Existing groundwater quality in the Coyote Subbasin is quite good, although there are wells with nitrates above the Drinking Water Standard. Figure 6 summarizes typical groundwater concentrations within the Coyote Subbasin.

Figure 6. Typical Concentration Ranges for Common Inorganic Constituents^a

Constituent	Coyote Subbasin	Drinking Water Standard ^c	Agricultural Objective ^d
	Principal Aquifer Zone ^b		
Aluminum (ug/L)	<50	1,000	5,000
Arsenic (ug/L)	<2	50	200
Barium (ug/L)	<100 - 126	1,000	-
Beryllium (ug/L)	<1	4	500
Boron (ug/L)	<100 - 132	-	200
Bromide (ug/L)	<Detection Limit or ND	-	-
Cadmium (ug/L)	<1	5	50
Calcium (mg/L)	37 - 69	-	-
Chloride (mg/L)	17 - 40	600	355
Chromium, Total (ug/L)	<1 - 2	50	1,000
Copper (ug/L)	<50	1,000	500
Fluoride (mg/L)	<0.100	1.7	2
Hardness (mg/L as CaCO ₃)	180 - 294	-	-
Iron (ug/L)	<100 - 700	300	20,000
Lead (ug/L)	<5	15 ^e	100
Magnesium (mg/L)	22 - 43	-	-
Manganese (ug/L)	<20	50	10,000
Mercury (ug/L)	<1	2	-
Nickel (ug/L)	<10	100	2,000
Nitrate (mg/L as NO ₃)	6 - 48	45	135 ^e
Selenium (ug/L)	<2 - <5	50	20
Silver (ug/L)	<1 - <10	100	-
Sodium (mg/L)	17 - 33	-	-
Specific Conductance (uS/cm)	516 - 625	2,200	3,000
Sulfate (mg/L)	30 - 60	600	-
Total Dissolved Solids (mg/L)	270 - 430	1,500	10,000
Zinc (ug/L)	<50	5,000	10,000

^a Typical concentration ranges at the approximate 95% Confidence Interval estimate of the true population median.

^b Principal Aquifer Zone: Aquifer zone from which most water supply wells pump.

^c Drinking Water Standard: Maximum Contaminant Level (MCL) specified in Title 22 of the California Code of Regulations.

^d Agricultural Objective: Agricultural water quality objective in the 1995 Water Quality Control Plan for the San Francisco Bay Basin, Regional Water Quality Control Board.

^e Action level. California has not established a MCL for lead. However, there is a 15 ug/L action level for lead. The action level is exceeded if the concentration of lead in more than 10 percent of tap water samples is greater than 15 ug/L.

Nitrate Agricultural Objective: The value listed in the Basin Plan is 30 mg/L NO₃+NO₂ (as N), which is approximately equivalent to 135 mg/L nitrate.

Existing and Historical Water Use

The District has groundwater pumping data for the Coyote Valley dating back to July of 1987, as summarized below in Figure 7. The water uses currently in the subbasin include agricultural, domestic, and municipal and industrial. Some of the City of Morgan Hill water supply is also met by groundwater pumping from the Coyote Subbasin.

Figure 7. Historical Groundwater Pumping in acre-feet

Year	Pumping, in acre-feet
1987 (half-year)	3,709
1988	7,003
1989	6,012
1990	6,609
1991	6,434
1992	6,153
1993	6,106
1994	6,467
1995	6,693
1996	6,588
1997	8,004
1998	6,915
1999	7,784
2000	7,232
2001	6,947
2002	6,740
average	6,799

Existing Water Supply

The existing water supply is comprised primarily of groundwater, sustained by both natural and artificial recharge. Local water captured by the Anderson/Coyote reservoir system and imported water from the Central Valley Project both provide source water for recharge in Coyote Creek. It is estimated that the groundwater subbasin would remain in balance with an average annual pumping of about 8,000 acre-feet, given current District operations on Coyote Creek. The groundwater subbasin supply is discussed in more detail below.

Total Projected Demand and Water Supply for the Coyote Subbasin

Projected Water Demand

The water demand projections for the CVSP summarized below are described in more detail in the Water Demand Technical Memorandum prepared by HMM Engineers and dated June 30, 2004. These demand projections reflect the conceptual plan for the CVSP as of that time – as the land use plan is developed, the water demand projections for the CVSP will need to be updated. The demand projections described below and used in determining the sufficiency of the water supply are for project build-out; a timeline for the development of the CVSP has not been identified. It is anticipated that these demands will take decades to develop.

Greenbelt and Others

The current policies for the City of San Jose and for the County are for the areas in Coyote valley designated "greenbelt" to stay in their existing state. In estimating projected demand, it is

assumed that the greenbelt and other areas outside the CVSP planning area within the Coyote Subbasin will remain similar to existing land uses, with water demand similar to the existing water use. The existing water use for these areas is about 4,000 acre-feet annually. As more information is developed about any proposed changes to the greenbelt, this assumption of constancy will need to be revisited.

Residential

Demand projections for the CVSP proposed development was derived separately for the residential, employment, and community areas of the Plan. Water demand to serve the 25,000 new residential units was estimated using an average use of 300 gallons per unit per day. This usage rate is less than the single family residential household use reported in the City of San Jose Baseline Water Use Study and other sources of local water use. However, given the mix of multi-family and single-family housing units planned and the smaller lot sizes than typically found in San Jose currently, this figure seems reasonable for planning purposes. This results in a residential demand projection of about 8,400 acre-feet annually.

Employment

Water demand for the employment sectors was based on the assumption that the jobs will be predominately office jobs, with a typical usage of about 70 gallons per employee per day. Based on projected employment of 50,000 persons, this results in a projected demand of about 4,000 acre-feet annually. The 50,000 jobs is as per the City's Vision of 50,000 "industry driving" jobs, and does not include the support jobs that would arise (such as retail jobs).

Community Uses

Insufficient information is available at this time to estimate the water use for other features, such as the parkways, public areas, and support-sector employment not considered as part of the 50,000 jobs (such as local retail).

Demand Range

The demand range was developed using the minimum household and jobs totals targeted in the CVSP vision. Given that these demand projections have been developed in advance of the land use plan and Specific Plan EIR and thus more precise projections are not possible at this time, a demand range of 16,000 to 20,000 of acre-feet annual demand was agreed upon by the District and the CVSP consultants for use in water supply analysis estimates at this point. As more detail is known about the CVSP, the demand projections will be refined and the demand range will most likely narrow.

Projected Water Supply

Current water use in Coyote Valley is supplied from the groundwater subbasin. The source of this supply is from both natural recharge and artificial recharge (recharge through Coyote Creek resulting from managed releases from Anderson Reservoir). The natural recharge that occurs throughout the valley from rainfall percolation is typically less than the evapotranspiration losses in the valley. Coyote and Fisher Creeks both generally lose water to the groundwater subbasin, although Fisher Creek is a gaining stream in its lower reaches when the groundwater elevation is high. The Coyote Subbasin also feeds water to the north through the Coyote Narrows, a natural flow condition that should be maintained.

The water supply to the Coyote Valley is largely dependent on Coyote Creek, which is predominantly controlled by the operation of Anderson and Coyote Reservoir System upstream. The District is the primary water rights holder for surface waters in the Coyote Creek system, and the Creek is considered to be fully appropriated. This analysis assumes similar operations of the reservoirs in the future, in accordance with provisions of the District's water rights and objectives for flood protection, environmental stewardship, and water supply management. If fishery or other environmental considerations result in a change from current operations, those changes could impact the water supply available within the CVSP.

The historical water balance for the Coyote Subbasin is tabulated below in Figure 8. Areal recharge occurs throughout the subbasin through mechanisms such as rainfall and agricultural return flows. Net river recharge reflects the amount of water recharged into the subbasin via Fisher and Coyote Creeks, primarily through artificial recharge of water resulting from District operations on Coyote Creek. Evapotranspiration, or ET, are losses to the subbasin due to evaporation or uptake from plants of water in the soil. The groundwater outflow term in the table reflects the naturally occurring flow of groundwater from the Coyote Subbasin to the hydraulically-connected Santa Clara Valley Subbasin to the north. (Maintaining this flow avoids adverse impacts to the water supply in the Santa Clara Valley Subbasin.) The total supply reflects these inflows and outflows, summarizing the total supply within the groundwater subbasin under historical conditions (both rainfall and District operations).

Figure 8. Water Supply for the Coyote Subbasin assuming Historical Hydrology

CY	Areal Recharge	Net River Recharge	Net ET	GW Outflow	Total Supply
1988	1933	5251	-56	-4888	2239
1989	1605	7604	-30	-5889	3290
1990	2042	8953	-14	-6227	4754
1991	2942	6760	-6	-5851	3845
1992	3624	8901	-6	-5806	6714
1993	3298	10762	-12	-4527	9520
1994	1916	8430	-24	-2922	7399
1995	4095	9081	-50	-3069	10058
1996	3612	11597	-78	-3460	11671
1997	2707	12413	-115	-3685	11320
1998	3586	9897	-127	-3786	9570
1999	1905	7493	-78	-3981	5340
2000	2055	11584	-87	-4497	9055
2001	2700	8623	-88	-4279	6955
2002	2289	8228	-77	-4100	6339

The average annual water supply over this 15 year period is 7,205 acre-feet. However, the table also shows some of the natural variability that occurs with water supply in the Coyote Subbasin – the supply ranges from a minimum of 2,239 acre-feet in 1988 to a high of 11,671 acre-feet in 1996. This supply has been sufficient to meet historical pumping (shown in Figure 7) due to the usable groundwater storage of the Coyote Subbasin.

It is estimated that in a repeat of 1988 conditions, the driest hydrologic year of record in Coyote Valley, the available water supply would only be 2,239 acre-feet. What demand could be met under this supply scenario depends on the groundwater storage at the beginning of the drought and how much of that groundwater storage can be withdrawn without adverse impacts.

These water supply estimates reflect greater understanding of the Coyote Subbasin as a result of additional data and groundwater modeling analysis. However, the underlying variability and

reliability of the water resource is not substantially different than that described in the UWMP, as tabulated in Figure 9. Figure 9 values are somewhat lower than those shown in Figure 8 since they do not show the supply that available through District artificial recharge activities that occur in Coyote Creek.

Figure 9. UWMP Natural Coyote Subbasin Supply (in acre-feet per year)

	Coyote Subbasin Groundwater Supply
Wet Year	10,000
Long Term Average	4,900
Single Dry Year	0
Critical Dry Period (Multiple Year Drought)	3,200

In its long-term water supply planning, the District looks at historical hydrology. In the UWMP and the 1997 Integrated Water Resources Plan, the Critical Dry Period was used, which was a statistical extension of the 1987-1992 drought into a 10-year 1% probability event. The 2003 IWRP and current interpretation of Board Ends Policies for water supply reliability use repeats of historical hydrology rather than the more severe Critical Dry Period.

The District's current target in its long-term water supply planning includes being able to meet demands in a repeat of the 1987-1992 drought, if it should occur, without drought-response water rationing. (This is not a "worst-case" scenario in that droughts of this magnitude have occurred twice in the 82-year hydrologic record typically used to assess California's water supply.) Unfortunately, District records for Coyote Valley begin in July 1987, so only 5 years of this 6-year drought are captured in this analysis. The average supply during this 5-year period in the Coyote Subbasin is calculated to be 4,168 acre-feet annually. (If 1987 were included, the average would be expected to be slightly lower). As with the single dry year, what demand can be met during a multi-year drought depends on the groundwater storage at the beginning of the drought and how much of that groundwater storage can be withdrawn without adverse impacts. On average, the groundwater pumping that can be met within the subbasin is limited to approximately 8,000 acre-feet a year with existing supplies.

Operational Groundwater Storage Capacity

The District's current estimate of the operational storage capacity of the Coyote Subbasin is 25,000 acre-feet. This value was computed using a static analysis and assumes that the subbasin can be operated such that this maximum value can be extracted -- it is as if the groundwater subbasin is a homogeneous body and that you could optimize groundwater subbasin performance by having all the pumping occur in the right places. In reality, changes in artificial recharge, changes in pumping patterns and locations, and changes in demand scenarios change the operational storage that can be achieved.

This estimate of Coyote Subbasin operational storage is consistent with that used in the IWRP analyses, but is a change from that used in the UWMP. The UWMP and the 1997 IWRP assumed no year-to-year operational storage volume for this subbasin.

This water supply analysis is based on a water balance approach using historical pumping. The development of the CVSP will change the supply in ways that cannot be fully quantified until the source of supply for the CVSP is determined. For example, although we can expect to see some additional recharge from Coyote and Fisher Creek with greater pumping and drawdown of the groundwater subbasin, this increase is small and its value is offset by a loss of groundwater storage reserve. Operationally, consistent drawdown of the groundwater subbasin will result in dry wells in some areas of the subbasin, adverse impacts to the natural flow to the Santa Clara

Valley Subbasin, and decrease in groundwater storage reserves that are crucial for emergency backup and as a drought supply.

Water Supply Augmentation Alternatives

The District uses an integrated water resources planning (IWRP) process to make its long-term investment decisions for water supply management. This process approaches decisions broadly and inclusively, incorporating community involvement and flexibility to respond to changing and uncertain future conditions. Choosing what water resource options to pursue in the future requires balancing multiple, often competing objectives, that reflect the District's overall mission and Board's Ends Policies, including

- Ensuring supply reliability;
- Ensuring supply diversity;
- Ensuring water quality;
- Minimizing cost impacts;
- Maximizing adaptability to changing conditions;
- Protecting the natural environment; and
- Ensuring community benefits including flood protection and recreation.

These objectives are in keeping with District planning, including the 2003 IWRP.

Augmenting the water supply in Coyote can be achieved in a number of ways. How well these differing alternatives meet the District's established policies and previous water supply planning are described below.

Alt 1. Recycled Water for Irrigation and Non-potable Uses

- A. using District's existing Silver Creek Pipeline capacity
- B. expansion of the SBWR delivery capacity
- C. scalping plant in the Coyote Area

The CVSP consultants have estimated that the large landscape area (parks, schools, right-of-ways, and open space) within the CVSP is 730 acres, with an estimated water usage of 4,000 acre-feet per year. In addition, it is estimated that approximately 1,000 acre-feet of demand in the greenbelt area (primarily at the Coyote Creek Golf Club) could also be met with recycled water if it were available. The quantity of recycled water that could be supplied for other non-potable uses besides large landscape irrigation, such as dual plumbing of office buildings and residential yards, has not been quantified at this time.

Given the hydrogeology of the Coyote Subbasin, even when recycled water is intended for irrigation, some of this applied water will work its way to the water table and the principal aquifer. The recently completed Advanced Treated Recycled Water Feasibility Study concluded that the existing tertiary treated recycled water could have impacts on Coyote Valley groundwater quality if used in that area. Using the results of this feasibility study, additional staff analysis that considered all applicable regulations concluded that recycled water used in Coyote Valley that could percolate into the groundwater subbasin be fully advanced treated. Full advance treatment often includes reverse osmosis and ultraviolet light treatment, or similarly effective treatment options. This conclusion was supported by technical review performed by two different external consultants. This is consistent with the District's policy that the groundwater basins are aggressively protected from contamination and the threat of contamination as stated in the UWMP and the IWRP.

Advantages of recycled water use for meeting non-potable water demands are:

- Offsets demand from the groundwater subbasin (which has a limited delivery capacity, as discussed in alternative 4)
- Helps the San Jose/Santa Clara Water Pollution Control Plant remain under the discharge flow cap by providing an alternative to discharge for some of the new wastewater flows generated by the CVSP development. This also creates environmental benefits to the South Bay habitats
- Consistent with state law that promotes recycled water use when appropriate.
- Consistent with the CVSP Evaluation Criteria promoting Ecological Sustainability (including the sub-criterion to "Maximize the use of recycled water" among others) and with District policy
- Provides a reliable new water supply consistent with the IWRP, available even in dry years
- Increases the amount of water from local sources in the overall District water supply mix, in keeping with IWRP findings and recommendations
- Consistent with District policies promoting the expansion of water recycling in Santa Clara County and with the recycling targets used in the UWMP

Disadvantages:

- Requires a separate distribution system to provide water to various irrigation sites
- High cost associated with advanced treatment requirements for Coyote Valley
- Potential system capacity expansion costs, depending on how much recycled water is delivered to the CVSP (alternatives 1B and 1C).

The existing South Bay Water Recycling water system was recently expanded with the construction of the Silver Creek Pipeline Extension to deliver water to the Metcalf Energy Center (MEC). The SBWR system could also be used to serve recycled water to non-potable uses within the CVSP area. According to South Bay Water Recycling Program staff, the amount of recycled water available to Coyote Valley (excluding the MEC, which is already accounted for) with the existing recycled water system is limited to the 5 mgd capacity in the Silver Creek pipeline paid for by the District for the District's future use (Alternative 1A). Although it is expected that the SBWR program could supply more recycled water than 5 mgd, the delivery system would have to be expanded for recycled water use to exceed the District's 5 mgd share of the Silver Creek pipeline, adding delivery infrastructure costs (Alternative 1B). This increased capacity could be achieved through development of a parallel pipeline, increasing the recycled water delivery system reliability in addition to expanding the quantity of recycled water available for use in Coyote Valley and elsewhere south of the MEC. Another alternative for expanding the recycled water capacity beyond the District's 5 mgd share of the existing system is through the development of a scalping plant in the Coyote area (Alternative 1C). Diverting some of the wastewater stream from Coyote and treating it there provides another source of recycled water, one not dependent on the existing SBWR delivery system. This alternative would include significant infrastructure costs for the treatment facilities, however.

Serving the non-potable demands including the water needs for the focal point lake is estimated to require more water than the 4,000 acre-feet available per year from the existing recycled water system (when seasonal peaking constraints are taken into consideration). As further information on the potential market for recycled water for non-potable uses is developed through the land use plan, the ultimate capacity of these recycled water alternatives should be revisited.

Alt 2. Surface Water Delivery with a New Water Treatment Plant

Additional surface water delivery to Coyote Valley is one possible alternative water supply. For this supply to be usable to meet the potable water demands for the CVSP, the water would

either need to be treated or percolated into the groundwater subbasin for later extraction. Surface water for recharge is discussed in Alternative 4 below.

A new water treatment plant to serve South County, including Coyote Valley, was evaluated in the District's IWRP. The IWRP 2003 recommended pursuing other alternatives such as water use efficiency and groundwater recharge over a treatment plant.

Advantages:

- Provides an alternate means of delivering potable water besides the groundwater subbasin to the residents and businesses in South County, much as the District's three water treatment plants provide an alternate source of potable water in North County.

Disadvantages:

- Requires ongoing operations and maintenance costs and significant construction costs for new water treatment facilities.
- In and of itself, does not provide an additional water supply source to Santa Clara County and is not consistent with IWRP findings and recommendations.
- Does not provide reliability to Coyote Valley water users. The sources of supply to serve a water treatment plant in Coyote Valley are not as varied as in North County, and the reliability of the source water for the treatment plant is low. If the District's existing Coyote Creek water rights and San Felipe Division contracted water supplies are utilized, insufficient water will be available to meet treatment plant needs during drought and imported water outages (as described further in Alternative 4.)

Alt 3. Diversion of Groundwater from the Santa Clara Subbasin

The CVSP consultants have identified pumping groundwater from the Santa Clara Valley Subbasin for use within Coyote Valley as a water supply alternative. This alternative relies on a new well with a capacity of 5 mgd. This alternative does not provide new water; rather, it reallocates water from the Santa Clara Valley Subbasin to the Coyote Valley.

Advantages:

- Provides access to the larger operational storage capacity and varied sources of supply available to the Santa Clara Valley Subbasin
- Serves much like a system interconnection providing a redundancy in case of emergency outage, even if the facilities are not used as a regular water supply

Disadvantages:

- Requires additional sources of supply to mitigate the impacts on existing users within the Santa Clara Valley Subbasin.
- In analyzing this alternative, this diversion appears to be technically feasible; however, operational analyses show it does reduce the water storage relied upon by the existing users in the northern subbasin for emergency backup supply and drought protection, adversely impacting the water reliability for users of the Santa Clara Valley Subbasin.

The quantity of water exchanged in the analysis of this alternative was 5 mgd, or 5,600 acre-feet per year. Sources of supply to offset the impacts of this exchange on the Santa Clara Valley Subbasin have not been identified, and the costs associated with acquiring this additional source of water and mitigating the impacts to existing water supply users could be significant.

Alt 4. Additional Groundwater Pumping

A. With additional surface water recharge

B. With recharge of fully advanced treated recycled water for indirect potable use

Although a water balance approach like that described above might suggest that a certain quantity of water can meet a given level of demand, that does not mean that operationally facilities exist to support that situation. For example, there is a limit to how much pumping the groundwater subbasin can support. The hydrogeology of the subbasin and the location and timing of pumping and recharge throughout the subbasin impact the total amount of water that can be extracted at any one time. For its water supply planning, the District uses a groundwater model rather than a water balance approach to determine water supply reliability.

Physical Limitations on Additional Groundwater Extraction

The District has performed groundwater model analyses to help identify how much water could be extracted from the subbasin if the CVSP were implemented as per current understanding. For the District analysis, the CVSP demand was assumed to be served via new wells located along Monterey Road, as per conversation with City of San Jose consultants. At the time this analysis was performed, no information was available on the seasonal variability of the projected demand, so the groundwater pumping was assumed to be evenly distributed over the year. Information on the relocation and new cross-section of Fisher Creek was also not available at the time of the analysis, so Fisher Creek was left in its original condition in the modeling. As more information is developed on these and other assumptions through the EIR process, the analysis should be revisited to confirm these preliminary results.

Modeling simulations were performed to determine what amount of the 16,000 to 20,000 acre-foot annual demand could physically be delivered via the groundwater subbasin. (As mentioned above, the groundwater subbasin under current recharge operations can only reliably supply 8,000 acre-feet annually on average). Increasing the CVSP pumping resulted in drying out some areas of the subbasin, particularly in the southwest area. In the simulations, adding additional recharge via percolation ponds in the greenbelt (in the vicinity of the District's existing Cross Valley Pipeline) was able to help alleviate this problem. To test the degree of additional pumping that is physically feasible, as a starting point the groundwater analysis assumed a reliable water supply would be available to feed both Coyote Creek and new recharge facilities. The possible limitations in this future supply is discussed later in this document.

By adding an additional 6,000 acre-feet annually in water supply through new recharge facilities, it was possible to extract 13,000 acre-feet annually from the Coyote Subbasin without adversely impacting existing uses through a repeat of 1988 through 2002 hydrology. Even with additional recharge (beyond the existing Coyote Creek recharge and this supplemental 6,000 acre-foot annual recharge), adverse impacts result from pumping quantities greater than 13,000 acre-feet annually.

This limitation is a very important consideration in identifying possible supplemental water alternatives for the CVSP. Even with additional recharge of 6,000 acre-feet per year, total groundwater pumping within Coyote Subbasin is limited to 13,000 acre-feet. Additional supply for recharge above this amount will not increase the amount that can be pumped.

Possible Sources of Supply for Groundwater Augmentation

- Water Supply via the Cross Valley Pipeline (Alternative 4A). The District's Cross Valley pipeline crosses the Coyote Valley in the south and southwest areas. One possibility is to use this pipeline to convey water to additional recharge facilities to increase the potential groundwater extraction in the Coyote Subbasin. In and of itself, these recharge facilities do not constitute a new supply, but rather a mechanism for getting supplies into the subbasin. In analyzing the District's existing supply sources, two can feed the cross valley pipeline: Anderson Reservoir and San Felipe Division imports from the Central Valley Project.

Advantages:

- Maximizes use of the groundwater subbasin as a distribution and storage system

Disadvantages:

- Does not provide reliability to Coyote Valley water users.

The existing supply sources that feed the cross-valley pipeline have dry year limitations. If impacts to existing water users are minimized, no additional water would be available to be recharged from the District's existing sources of supply during dry years, such as 1987-1992 and 1994. Less than 6,000 acre-feet would be available in years like 1995, 1997, and 1997. The necessary 6,000 acre-feet would be available in many wetter-than-average years, however, such as 2000 and 2001. Pumping from the Coyote Subbasin would be limited to a maximum of 8,000 acre-feet during dry years like 1988 through 1994.

If the CVSP water needs are prioritized over existing uses in the county, there would be an impact on groundwater resources elsewhere. For example, it is projected that the groundwater reserves in North County would drop almost an additional 40,000 acre-feet in a repeat of the 1987-88 drought, compared to what would occur without this additional recharge diversion for the CVSP.

The hydrologic variability discussed above is not the only challenge to water reliability relying on the Cross Valley Pipeline sources. In addition, the CVP water source is subject to outages when San Luis Reservoir drops below a certain elevation, referred to as "low point". The above discussion is based on a successful resolution of the San Luis low-point problem, possible solutions to which are currently being studied by the U.S. Bureau of Reclamation and the District.

Current estimates are that the CVP supply will be unavailable during some late summer and fall months in many years (approximately 1 year out of every 2) under future operations, unless a low point solution is implemented. Even if the Coyote recharge diversion is prioritized, no water would be available during low point months. In dry years like 1977, water would only be available in January and February for example.

- Recycled Water for Indirect Potable Use (Alternative 4B). Fully advanced treated recycled water using reverse osmosis and ultraviolet treatment could provide source water for supplementing the groundwater subbasin.

Advantages:

- Provides a reliable water supply consistently available regardless of hydrology, low-point, or Delta outages
- Consistent with CVSP Evaluation Criteria emphasizing ecological sustainability and resource conservation

Disadvantages:

- Requires expansion of the recycled water transmission system or creation of a scalping plant in Coyote Valley
- High costs associated with full advanced treatment facilities
- Requires additional work to determine if there are institutional or regulatory barriers or public perception challenges that preclude the use of advanced-treated recycled water for recharge in Coyote Valley.

Regardless of the source of supply for groundwater recharge, the additional pumping possible from the groundwater subbasin is no more than 5,000 acre-feet annually, to a total of 13,000 acre-feet. With recycled water system expansion or a scalping plant in Coyote, recycled water could provide the 6,000 acre-feet annually of additional recharge needed to meet the 13,000 acre-feet annually pumping rate in all year types.

Alt 5. Treated Water Deliveries from Santa Teresa Water Treatment Plant

The District's existing Santa Teresa Water Treatment Plant is located to the north of Coyote Valley in Almaden Valley. One alternative for supplying water to Coyote Valley would be the expansion of this treatment plant with a new pipeline to serve the CVSP.

Advantages:

- Provides access to the more varied sources of supply available to the Santa Teresa Water Treatment Plant
- Serves much like a system interconnection providing a redundancy in case of emergency outage, even if the facilities are not used as a regular water supply

Disadvantages:

- Requires additional sources of supply to mitigate the impacts on existing users of Santa Teresa Water Treatment Plant and others within the Santa Clara Valley Subbasin.
- Infrastructure costs, including the treated water pipeline connection and possibly expansion of the water treatment plant itself.

Alt 6. Additional Water Use Efficiency Measures in the CVSP

The water demand projections for the CVSP development assume that water use efficiency measures will be utilized to the maximum extent practicable, and therefore water savings from conservation is not quantified as a water supply alternative in this analysis. As stated below, the District in its planning for meeting the water needs of Coyote Valley assumes that water use efficiency will be incorporated, and urges the City to ensure that is the case as the CVSP is planned and ultimately developed. Efficient water use is consistent with District's policies, IWRP, and UWMP.

Water Supply Augmentation Costs

The cost of any of these water supply augmentation alternatives is significant. Additional groundwater pumping will require land acquisition for constructing new recharge ponds in addition to ongoing operations and maintenance. The capacity of the Coyote groundwater subbasin is small compared to the size of the water demand at build-out – ensuring dry year reliability will not be possible utilizing the Coyote Subbasin capacity alone.

Ensuring dry year reliability will require either a water supply source that is not dependent on hydrology (such as recycled water) or expensive dry year water supplies to supplement the existing supplies. Although recycled water can provide a reliable source of supply, its use in Coyote Valley will require additional treatment costs to protect the groundwater resource.

Maximizing water use efficiency and groundwater protection measures as the CVSP is developed will help keep the water supply more affordable in the long-term for the residents and businesses in this new community.

Considerations for the CVSP

To help ensure a clean, safe, reliable and affordable water supply for all water users within the Coyote Valley, the District advises the CVSP team to include the following considerations in the land use planning phase and the CVSP EIR:

Water Use Efficiency

Evaluation criteria for the CVSP development includes ecological sustainability: "CVSP should be designed to minimize waste, efficiently use its natural resources, and to manage and conserve them for use of the present and future generations", including conserving water as a precious resource.

Toward this end, the District encourages the use of water use efficiency measures throughout the CVSP, including residences, businesses, landscaping, and public areas. Water efficiency measures that should be promoted by the City in the CVSP include:

- Dual plumbing for both interior and exterior recycled water use;
- Construction standards that require high-efficiency fixtures (for example, high-efficiency 1.2-gallons-per-flush toilets);
- Construction standards that require high-efficiency devices for outdoor water uses (such as self-adjusting weather-based irrigation controllers);
- The use of fully advanced treated recycled water for irrigation of large landscaped areas;
- The use of fully advanced treated recycled water for all water features, such as fountains as well as the focal-point lake and urban channel;
- Enforcement of the City's Model Water Efficient Landscape Ordinance (as per AB 325 1990);
- Promotion and use of drought tolerant and native plantings in landscaping.

As the project is implemented and this new community is developed, there will be numerous opportunities to include these and other resource-efficient measures. Both the City of San Jose Environmental Services Department and the District have staff that can help evaluate and implement conservation measures to help ensure that Coyote Valley will be the ecologically sustainable green showcase envisioned by the CVSP.

Groundwater Protection

Board Ends Policy 2.1.5. The groundwater basins are aggressively protected from contamination and the threat of contamination.

Regardless of what supplemental water supply alternative is developed to support this development, protecting the groundwater subbasin from contamination and the threat of contamination is a crucial component of maintaining water supply reliability to all users within the Coyote Valley. Land uses within the CVSP have the potential to impact the water supply within the Coyote Subbasin. The ambient water quality for Coyote groundwater is excellent. However, the Coyote Subbasin is unconfined with little separation between the land surface and the groundwater, making the subbasin especially vulnerable to contamination. Given the sensitivity of the subbasin and importance of the groundwater resource to the CVSP, the District recommends taking steps above and beyond those required by state and federal law to protect the groundwater subbasin:

- Avoiding high-risk land uses such as underground chemical storage. If such uses cannot be avoided, then these businesses should be required to have groundwater monitoring on site and response plans in place, with monitoring beyond the minimum required by law;
- Establishing wellhead protection zones and siting facilities that pose significant risks to groundwater (such as gas stations and dry cleaners) far away from drinking water wells;
- Implementing institutional or structural best management practices for urban runoff, including treatment of surface runoff from commercial and industrial sites;
- Rigorous Commercial and Industrial pretreatment programs to minimize discharges to sanitary sewers;
- Construct piles and other deep excavations according to standards so there is no cross connection with between the surface and groundwater table.

Keeping Options Open

The District recommends that the land use plan incorporate flexibility for future water augmentation options, such as:

- Additional groundwater recharge. The District recommends that the land use plan reserve land in the greenbelt area with access to the District's Cross-Valley pipeline for future recharge facilities. These facilities can be compatible with other CVSP objectives, such as recreation.
- Large landscaped areas and water features like the focal lake should be designed to use appropriately treated recycled water from the South Bay Water Recycling Program.

In May of 2004, the District provided guiding principles to help the City of San Jose and its consultants in identifying, developing, ranking, and implementing alternatives for the CVSP. That document summarized goals that should be taken into consideration in the development of the land use plan for the CVSP from the perspective of the District's mission to ensure a reliable, high quality water supply, protection from floods, healthy creek ecosystems, and recreational opportunities for those who live and work within Santa Clara County. Following those guiding principles and the recommendations above will help ensure the District's success in meeting the long-term needs of those who live and work in Santa Clara County, including the Coyote Valley.



Department of Toxic Substances Control



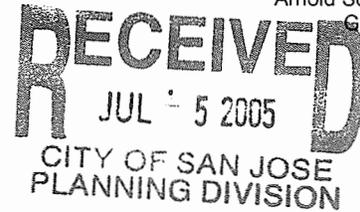
Alan C. Lloyd, Ph.D.
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Arnold Schwarzenegger
Governor

June 30, 2005

Mr. Darryl Boyd
City of San Jose
801 North First Street, Room 400
San Jose, California 95110-1795



Dear Mr. Boyd:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) (SCH#2005062017) for the Coyote Valley Specific Plan Project draft Environmental Impact Report (EIR). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8.

The Notice of Preparation indicates that there is a proposed change in land use. Please be aware that properties that were once agricultural, commercial, or industrial could potentially be contaminated with hazardous substances from past activities. DTSC recommends that you include a detailed description of each property's past use in your Environmental Impact Report to determine whether hazardous materials may have been released at the site. According to your document, the project site was used primarily for agriculture as well as some businesses such as nurseries, power generation and an IBM research and development facility. These types of land uses have a potential to release contaminants including pesticides to soil and groundwater. DTSC recommends that sampling be conducted prior to development to ensure that no contamination exists above acceptable levels. For example, the IBM facility located at 5600 Cottle Road has groundwater contamination which is being cleaned up under the oversight of the Regional Water Quality Control Board – San Francisco Bay Region. If hazardous substances have been released at other properties, they will need to be addressed as part of this project. The remediation activities would then need to be addressed in the California Environmental Quality Act (CEQA) compliance document.

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site.

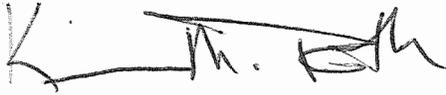
DTSC can assist your agency in overseeing characterization and cleanup activities

Mr. Darryl Boyd
June 30, 2005
Page 2

through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

Please contact Ms. Barnali Barua at (510) 540-3757 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,



Karen M. Toth, P.E., Unit Chief
Northern California - Coastal Cleanup
Operations Branch

Enclosure

cc: without enclosure

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PLANNING DIVISION



California Environmental Protection Agency
Department of Toxic Substances Control



The Voluntary Cleanup Program

The California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) has introduced a streamlined program to protect human health, cleanup the environment and get property back to productive use. Corporations, real estate developers, local and state agencies entering into Voluntary Cleanup Program agreements will be able to restore properties quickly and efficiently, rather than having their projects compete for DTSC's limited resources with other low-priority hazardous waste sites. This fact sheet describes how the Voluntary Cleanup Program works.

Prior to initiation of the Voluntary Cleanup Program, project proponents had few options for DTSC involvement in cleaning up low-risk sites. DTSC's statutory mandate is to identify, prioritize, manage and cleanup sites where a release of hazardous substances has occurred. For years, the mandate meant that, if the site presented grave threat to public health or the environment, then it was listed on the State Superfund list and the parties responsible conducted the cleanup under an enforcement order, or DTSC used state funds to do so. Because of staff resource limitations, DTSC was unable to provide oversight at sites which posed lesser risk or had lower priority.

DTSC long ago recognized that no one's interests are served by leaving sites contaminated and unusable. The Voluntary Cleanup Program allows motivated parties who are able to fund the cleanup -- and DTSC's oversight -- to move ahead at their own speed to investigate and remediate their sites. DTSC has found that working cooperatively with willing and able project proponents is a more efficient and cost-effective approach to site investigation and cleanup. There are four steps to this process:

- / Eligibility and Application
- / Negotiating the Agreement
- / Site Activities
- / Certification and Property Restoration

The rest of this fact sheet describes those steps and gives DTSC contacts.

The Voluntary Cleanup Program

Step 1: Eligibility and Application

Most sites are eligible. The main exclusions are if the site is listed as a Federal or State Superfund site, is a military facility, or if it falls outside of DTSC's jurisdiction, as in the case where a site contains only leaking underground fuel tanks. Another possible limitation is if another agency currently has oversight, e.g., a county (for underground storage tanks). The current oversight agency must consent to transfer the cleanup responsibilities to DTSC before the proponent can enter into a Voluntary Cleanup Program agreement. Additionally, DTSC can enter into an agreement to work on a specified element of a cleanup (risk assessment or public participation, for example), if the primary oversight agency gives its consent. The standard application is attached to this fact sheet.

If neither of these exclusions apply, the proponent submits an application to DTSC, providing details about site conditions, proposed land use and potential community concerns. No fee is required to apply for the Voluntary Cleanup Program.

Step 2: Negotiating the Agreement

Once DTSC accepts the application, the proponent meets with experienced DTSC professionals to negotiate the agreement. The agreement can range from services for an initial site assessment, to oversight and certification of a full site cleanup, based on the proponent's financial and scheduling objectives.

The Voluntary Cleanup Program agreement specifies the estimated DTSC costs, scheduling for the project, and DTSC services to be provided. Because every project must meet the same legal and technical cleanup requirements as do State Superfund sites, and because DTSC staff provide oversight, the proponent is assured that the project will be completed in an environmentally sound manner.

In the agreement, DTSC retains its authority to take enforcement action if, during the investigation or cleanup, it determines that the site presents a serious health threat, and proper and timely action is not otherwise being taken. The agreement also allows the project proponent to terminate the Voluntary Cleanup Program agreement with 30 days written notice if they are not satisfied that it is meeting their needs.

Step 3: Site Activities

Prior to beginning any work, the proponent must have: signed the Voluntary Cleanup Program agreement; made the advance payment; and committed to paying all project costs, including those associated with DTSC's oversight. The project manager will track the project to make sure that DTSC is on schedule and within budget. DTSC will bill its costs quarterly so that large, unexpected balances will not occur.

Once the proponent and DTSC have entered into a Voluntary Cleanup Program agreement, initial site assessment, site investigation or cleanup activities may begin. The proponent will find that DTSC's staff includes experts in every vital area. The assigned project manager is either a highly-qualified Hazardous Substances Scientist or Hazardous Substances Engineer. That project manager has the support of well-trained DTSC toxicologists, geologists, industrial hygienists and specialists in public involvement.

The project manager may call on any of these specialists to join the team, providing guidance, review, comment and, as necessary, approval of individual documents and other work products. That team will also coordinate with other agencies, as appropriate, and will offer assistance in complying with other laws, such as the Resource Conservation and Recovery Act.

Step 4: Certification and Property Restoration

When remediation is complete, DTSC will issue either a site certification of completion or a "No Further Action" letter, depending on the project circumstances. This means "The Site" is now property that is ready for productive economic use.

To learn more about the Voluntary Cleanup Program, contact the DTSC representative in the Regional office nearest you:

Southern California

Tina P. Diaz
1011 North Grandview Avenue
Glendale, California 91201
(818) 551-2862

Central California

Tim Miles
8800 Cal Center Drive
Sacramento, CA 95826-3200
(916) 255-3710

North Coast California

Lynn Nakashima Janet Naito
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2737
(510) 540-3839 (510) 540-3833

**Central California -
Fresno Satellite**

Tom Kovac
1515 Tollhouse Road
Clovis, California 93612
(209) 297-3939

(Revised 10/18/02)

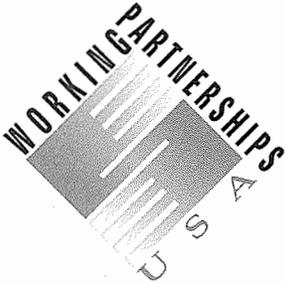
2102 ALMADEN ROAD • SUITE 107
SAN JOSE • CALIFORNIA • 95125

PHONE: [408] 269.7872

FAX: [408] 269.0183

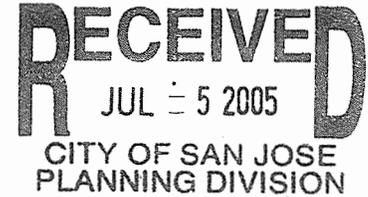
E-MAIL: wpusa@atwork.org

URL: www.atwork.org



June 30th, 2005

City of San Jose
801 North First Street, Rm. 400
San Jose, CA 95110



Re: Support for a Getting It Right- based alternative in the Coyote Valley Specific Plan Draft Environmental Impact Report

Dear Mr. Boyd:

Working Partnerships USA would like to express its support for a project alternative in the Coyote Valley Specific Plan Draft Environmental Impact Report (DEIR) that is based on *Getting It Right*, Greenbelt Alliance's vision for Coyote Valley.

In 2002, the City Council established a set of "Goals and Expected Outcomes" for the Coyote Valley planning process. These goals established a vision for an innovative, diverse, environmentally friendly, mixed-use, transit and pedestrian-oriented community in the Valley. To ensure that the Council's goals are met, and that significant negative impacts from future development in Coyote Valley are avoided or lessened, reasonable alternatives to the proposed Specific Plan must be studied.

The Specific Plan, as currently proposed is designed to include a transit and road system that could generate substantial negative impacts and result in a more costly project. The proposed transit system is relatively untested and does not connect with VTA's light rail, which could discourage ridership and lead to substantial traffic problems. The road system requires existing roads to be demolished and replaced with a network that could isolate neighborhoods and be uninviting to pedestrians.

Getting It Right is a model for smart growth in Coyote Valley that offers a distinct approach to development from the current Specific Plan. *Getting It Right* requires fewer changes to the Valley's existing landscape, and offers distinct alternatives to the road and transit systems. The plan focuses on connectivity between neighborhoods and could prove to be less costly, thereby freeing up resources for affordable housing, community facilities and open space protection.

2102 ALMADEN ROAD • SUITE 107
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FAX: [408] 269.0183

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URL: www.atwork.org



In order to ensure that the Specific Plan for Coyote Valley meets the high expectation established by the City Council, I urge you to consider a DEIR alternative based on *Getting It Right*.

Thank you,

A handwritten signature in black ink, appearing to read "Phaedra Ellis-Lamkins". The signature is fluid and cursive, with a large initial "P" and "E".

Phaedra Ellis-Lamkins

Executive Director
Coyote Valley Task Force Member



U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600
FAX (916) 414-6612



California Dept. of Fish & Game
Central Coast Region
P. O. Box 47
Yountville, CA 94599
(707)944-5500
FAX (707) 944-5563

RECEIVED
JUL 5 2005
CITY OF SAN JOSE
PLANNING DIVISION

July 1, 2005

Mr. Darryl Boyd
City of San Jose
801 North First Street, Room 400
San Jose, CA 95110-1795

Dear Mr. Boyd:

Subject: Comments Regarding the Notice of Preparation of a Draft Environmental Impact Report for the Coyote Valley Specific Plan Project, Santa Clara County, California

This letter is to provide comments to your agency in response to the Notice of Preparation for the Coyote Valley Specific Plan (CVSP) Draft Environmental Impact Report (DEIR) recently circulated by the City of San Jose (City). This letter contains comments from the U. S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (DFG). As you are aware, Santa Clara County, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority and the City (collectively referred to as the Local Partners) are developing a Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) for portions of the Coyote, Pacheco, Uvas, and Llagas watersheds. The Service, DFG and National Marine Fisheries Service (collectively referred to as the Wildlife Agencies) have met regularly with the Local Partners throughout the process to assist the Local Partners with their habitat conservation planning efforts.

The CVSP proposes the development of approximately 7,000 acres of primarily undeveloped land approximately 12 miles south of downtown San Jose. The CVSP area is bounded by Tulare Hill and the Santa Teresa area of southern San Jose to the north, U.S. Highway 101 to the east, the City of Morgan Hill to the south and the Santa Cruz mountains to the west. The City anticipates that development of the CVSP area will comprise a minimum of 25,000 residential units and 50,000 "industry-driving" jobs, although the community is expected to eventually house 70,000-80,000 residents.

While the City is closely involved in the HCP/NCCP process, review of the CVSP will continue. It is important to the Service and DFG that the City work closely with our staff and managers involved in both the CVSP and the HCP/NCCP processes prior to release of the DEIR for the CVSP. As stated in the Planning Agreement developed for the HCP/NCCP, the CVSP must not preclude the development of a viable conservation strategy for the HCP/NCCP. To ensure this standard is achieved, the City will need to present and discuss the impacts, draft mitigation measures, and draft conservation strategy developed for the CVSP DEIR with the Service, DFG, and the Local Partners to the HCP/NCCP. Prior to circulation of the DEIR, the mitigation and conservation approach proposed for the CVSP DEIR should have the agreement of the HCP/NCCP Local Partners and Wildlife Agencies that it will not preclude the development of a viable conservation strategy for the HCP/NCCP. In order to allow the Service and DFG to adequately evaluate and comment on the environmental analysis, we recommend that the following issues be addressed in the DEIR:

IDENTIFICATION OF RESOURCES

The DEIR should include a thorough assessment of the flora and fauna within and adjacent to the CVSP area, with emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats. Rare, threatened, and endangered species to be addressed should include all those which meet the definitions of California Environmental Quality Act (CEQA) Section 15380. This includes Species of Special Concern; candidate species; California Native Plant Society (CNPS) identified rare plants and similar listings. The DEIR should describe the physical character of the CVSP area, including topography, watercourses and bodies, soil type, vegetative cover and identification of the habitat(s) present.

The DEIR should identify all special status plants and rare natural communities within the CVSP area and adjacent areas. Identification of plants present or possibly present should be based on field surveys using methodologies appropriate to those species which may be present, a search of the State Natural Diversity Data Base, consultation with local experts and an analysis of which species could be present based on habitat type and historical records from the general area. Methodologies should follow DFG's *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities* (revised May 8, 2000). The Guidelines are available at www.dfg.ca.gov/whdab/guideplt.pdf.

DFG considers Rare Natural Communities and Significant Natural Areas as threatened habitats having both regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts. Specific impacts that should be addressed are noise, light, air quality, water quality, and habitat fragmentation. Serpentine and riparian habitats are the habitat types most likely to be directly and indirectly impacted by the proposed development.

The DEIR should include a map identifying the various vegetative communities in the CVSP area and in the vicinity of the CVSP area. Populations of special status species should be clearly identified on this map. Riparian and wetland areas should be shown on the map, in sufficient

detail to differentiate between separate types of these habitats, such as stream channel and adjacent riparian vegetation or jurisdictional wetlands and uplands.

The DEIR should identify all special status mammals, birds, fish, reptiles, amphibians and invertebrates within the CVSP area and in the vicinity of the CVSP area. Identification of those species present or possibly present should be based on field surveys using methodologies appropriate to those animals which may be present, a search of the state Natural Diversity Data Base, consultation with local experts and an analysis of which species could be present based on habitat type and historical records from the general area. Special care should be taken to address seasonal and/or temporal variations in site utilization, such as migratory bird use or night foraging habitat for bats. Survey protocols for many special status species may be obtained from DFG and/or the Service. For those animals lacking accepted protocols, acceptable species-specific survey procedures should be developed in consultation with the Service and DFG. At a minimum, the DEIR should consider impacts on all federally threatened or endangered species that may occur in the project area and the vicinity of the project area, including but not limited to the endangered Santa Clara Valley dudleya (*Dudleya setchellii*), Tiburon paintbrush (*Castilleja affinis* ssp. *neglecta*), Metcalf Canyon jewelflower (*Streptanthus albidus* ssp. *albidus*) and Coyote ceanothus (*Ceanothus ferrisae*), and the threatened California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana aurora draytonii*), bay checkerspot butterfly (*Euphydryas editha bayensis*), and Central California Coast ESU steelhead trout (*Oncorhynchus mykiss*). The NDDDB in Sacramento should be contacted at (916) 324-3812 to obtain current information on any sensitive species and habitat referenced.

IMPACTS AND CONSERVATION MEASURES

The CVSP encompasses a large area and should be considered landscape level planning. Landscape level impacts can be very significant and the direct, indirect, and cumulative effects of the proposed project should be thoroughly evaluated. Examples of landscape level impacts are the reduction or elimination of wildlife corridors, particularly those joining the Santa Cruz Mountains to the ridges east of the Santa Clara Valley and offsite impacts to local serpentine communities from nitrogen deposition due to changes in air quality. Appropriate measures should be identified to minimize and mitigate the effects of the CVSP on serpentine habitat and special status species associated with this habitat. Because of the scale of the CVSP, the loss of less commonly evaluated habitats, such as oak woodlands, should be thoroughly evaluated and mitigated. Additionally, mitigation opportunities should occur on site when appropriate, unless there are valid and significant reasons why this is not possible or the species/habitat(s) affected occur off-site (i.e., serpentine habitat).

After the biotic resources are identified, the DEIR should clearly and thoroughly identify any potential direct, indirect, and cumulative impacts to the species or habitats and propose conservation measures to minimize those impacts. In particular, any increase in human-wildlife/habitat interactions which may occur as a result of the project should be discussed as well as the potential for additional impacts related to increased or changing uses of the project site. In accordance with CEQA Guidelines (Section 15125c), a discussion of the regional setting should be included in the impacts assessment.

Impacts arising from grading, drainage, and landscaping should be evaluated. During grading operations, habitat may be destroyed or damaged. Much of the damage occurs in ways that do not show immediate signs, but create impacts that become obvious later, such as when tree roots are removed or soil areas are compacted. A change in drainage patterns or the hydrologic regime of an area can have devastating effect, as in wetlands areas where water that once infiltrated into the ground is now collected and retained or discharged off site. As part of the DEIR, the proposed drainage design for the project should be described and evaluated. Use of non-native plants in landscaping applications may result in a loss of foraging habitat for native wildlife species and the possible introduction of invasive species into neighboring natural areas. The Service and DFG suggest the use of native vegetation in landscaping applications to the maximum extent possible.

There are a number of potential issues relating to the CVSP that appear possible from an examination of the site plan:

1. The realignment of Fisher Creek could be of significant benefit to hydrologic and biological conditions. At the same time, it is unclear as to which criteria will drive the design. We recommend that the final configuration incorporate an undeveloped 100 year floodplain, an adequate riparian buffer (see #3), and a stable planform channel. Development of a channel based on these parameters will not only provide the greatest environmental benefit, but allow for rapid and efficient transport of floodwaters and drainage and reduce or eliminate the need for expensive channel maintenance.

2. The potential for release of exotic species of plants and animals into Fisher and Coyote creeks should be thoroughly evaluated. For a project of this size, with a proposed artificial lake nearby, it should be acknowledged that in all likelihood exotic species will be introduced into the lake and possibly the streams. We strongly encourage the evaluation of alternatives to the construction of a large, artificial lake.

3. Riparian setbacks should be carefully considered. DFG generally recommends a buffer of at least 100 feet. However, the width of this buffer will vary depending on site-specific conditions and the presence of special status species. Because the CVSP represents landscape level planning, we urge the City to consider adopting standards above those generally considered minimal.

4. Careful hydrologic evaluation should be carried out to not only allow a stable design for the restored Fisher Creek, but to determine what impacts the additional flows will have on Coyote Creek.

A cumulative effects analysis should be developed as described under CEQA Guidelines, Section 15130. The analysis should be linked to the discussions on movement and migration corridors and to regional trends. Cumulative, incremental regional losses of habitat and/or populations are very difficult to analyze and are of particular concern to DFG and the Service. The loss of a significant amount of habitats, including those generally considered ruderal, should be carefully evaluated and discussed. When a development area of this size is converted to

hardscape or ornamental habitats, there is generally a significant loss of foraging habitat, nesting habitat (particularly for ground nesting birds such as burrowing owls or horned larks), and movement corridors. As currently proposed, the project layout does not appear to incorporate adequate migration corridors. Current scientific literature should be evaluated to determine how to optimally incorporate migration corridors into a project of this scale. Evaluation of additional measures to actually improve movement capabilities, such as modifications to intersections and other structures to allow animals to move past Highway 101 could be considered.

A full range of alternatives should be analyzed to investigate whether or not any impacts from the proposed development can be avoided or minimized, while still retaining a viable project. Careful consideration should be given to options which avoid sensitive areas of properties, rather than mitigating by restoring or creating replacement habitat in other areas. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat elsewhere should be evaluated, as might be appropriate, although we encourage strong consideration of local mitigation first.

Thank you for this opportunity to comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. Dave Johnston, DFG Environmental Scientist, at (831) 475-9065, Mr. Scott Wilson, DFG Habitat Conservation Supervisor, at (707) 944-5584, or Mr. Craig Aubrey with the Service at (916) 414-6600.

Sincerely,

Sincerely,



 Wayne S. White
Field Supervisor
Sacramento Fish and Wildlife Office



Robert W. Floerke
Regional Manager
Central Coast Region

cc:

- Office of Planning and Research, State Clearinghouse, Sacramento, California
- Jon Ambrose, National Marine Fisheries Service, Santa Rosa, California
- Maura Egan Moody, National Marine Fisheries Service, Santa Rosa, California
- Luisa Valiela, Environmental Protection Agency, San Francisco, California
- Tom Fitzwater, Santa Clara Valley Transportation Authority, San Jose, California
- Ann Draper, Santa Clara Valley Water District, San Jose, California
- Ken Schreiber, HCP/NCCP Program Manager, San Jose, California
- Phelicia Thompson, Army Corps of Engineers, San Francisco, California
- Richard McMurtry, Regional Water Quality Control Board, Oakland, California



BAY AREA
RIDGE TRAIL
COUNCIL

RECEIVED
JUL 5 2005
CITY OF SAN JOSE
PLANNING DIVISION

June 29th, 2005

City of San Jose
Attn: Darryl Boyd
801 North First Street, Room 400
San Jose, Ca 95110-1795

SUBJECT: Scope of DEIR for the Coyote Valley Specific Plan Project

Dear Mr. Boyd:

The Bay Area Ridge Trail Council has received the Notice of Preparation of a Draft EIR for the Coyote Valley Specific Plan Project. We understand that you are working closely with Santa Clara County Parks staff to ensure that the regional and sub-regional routes of the Countywide Trails Master Plan that are affected by this project are addressed in the planning process. Nevertheless, we believe it is important to bring to your attention that the Bay Area Ridge Trail, route R5-C, is a planned regional route traversing Coyote Valley as represented in the Trails Element of the Parks and Recreation Chapter of the 1995 General Plan. This route, designated for hiking, off-road bicycle, and equestrian use, is an extremely important component of the trails element for the Coyote Valley Specific Plan Project. We urge you to include the plans for the Bay Area Ridge Trail as part of the scope and impacts of this project.

It is our belief, and in all likelihood your practice, that even greater attention than usual should be given to the planning for and inclusion of recreational trails when a proposed project has been determined to house a regional trail route adopted by the general plan. Therefore, the Bay Area Ridge Trail Council is interested in working closely with the City of San Jose in the development of the final trails plan element of this Specific Plan Project.

The Bay Area Ridge Trail is a 550-mile regional trail system that will ultimately circle the San Francisco Bay Area along the ridgelines of the nine Bay Area counties. This particular segment of trail is part of an alignment that will connect Santa Teresa County Park with the Coyote Creek Parkway. Inclusion of this trail in the development of the plans for this project would represent a huge step towards the completion of a long-term vision in trail planning and development for the citizens of San Jose and Santa Clara County.

We look forward to working with you, will gladly participate in the analysis of potential recreational routes, uses and alternatives, and would greatly appreciate remaining on the contact list for any future notifications in regard to this project.

Sincerely,

Bob Power
South and East Bay Trail Director
Bay Area Ridge Trail Council

cc: Jane Mark, Park Planner County Parks & Recreation
Mark Frederick, Capitol Projects Manager, County Parks and Recreation
1007 GENERAL KENNEDY AVENUE, SUITE 3, SAN FRANCISCO, CALIFORNIA 94129-1405
PHONE (415) 561-2595 FAX (415) 561-2599 www.ridgetrail.org info@ridgetrail.org



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June 8, 2005

San Jose City Council
801 North First Street, Rm. 600
San Jose, CA 95110

Public Record
cc: S Haas, PBCE

To: Laurel

Re: Support for studying "Getting It Right" as an alternative in the Coyote Valley Specific Plan Draft Environmental Impact Report

Dear San Jose City Council Members:

The Nonprofit Housing Association of Northern California works to advance affordable housing as the foundation for thriving individuals, families and neighborhoods. As the collective voice of those who support, build and finance affordable housing, NPH promotes the proven methods of the non-profit sector and focuses government policy on housing solutions for lower income people who suffer disproportionately from the housing crises.

The Bay Area is experiencing an affordable housing crises and San Jose is at the epicenter. Santa Clara County houses also hit a new peak, at \$681,500 in May of 2005. That's up almost 19 percent from the median price in April 2004, according to DataQuick Information Systems, which collected the data from public records. The skyrocketing housing prices have not subsided even with the incredible loss of jobs in the last 4 years. Although San Jose has been creating some affordable housing, the city is still falling behind the need. According to the Bay Area Council's "Bay Area Housing Profile: Second Edition" San Jose built less than half of the below market rate homes needed between 1999 and 2003.

Coyote Valley presents the city with a rare opportunity to create a community with a balance of housing types and serve the full spectrum of community members. Other communities in California including Davis and Salinas are taking advantage of their last green field developments to maximize the number of affordable housing units, and achieve a diversity of housing types difficult to accommodate within existing cities. We urge you to include "Getting It Right" or at least it's major features as an alternative in the DEIR. To leave it out is to shut the door on the "Getting It Right" plan, it will tie the hands of future City Council Members, and prevent a better development from moving forward in the area.

Thank-you,

Dianne J. Spaulding

Dianne Spaulding
Executive Director

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Dianne J. Spaulding
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Cecilia Rao
Associate Policy Director

Dwelyn Slivers
Program Coordinator

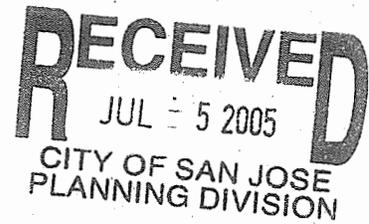
Tina T. Duane
Communications & Programs
Director

Mariene Dingler
Government Director

Kathleen Mertz
Administrative Assistant

Amie Melz
Bookkeeper

384 Pine Street
Suite 320
San Francisco
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415.385.8100 Tel
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nonprofithousing.org



June 30, 2005

Norman E. Matteoni

Peggy M. O'Laughlin

Bradley M. Matteoni

Barton G. Hechtman

Gerry Houlihan

Allen Robert Saxe
Of Counsel

Mr. Daryl Boyd
City of San Jose
Planning Department
801 North First Street
San Jose, CA 95110

Re: Scoping of Draft EIR for Coyote Valley Specific Plan

Dear Daryl:

I represent the Saso family which owns several parcels (APN 725-07-001, 725-07-002, and 725-07-003 (20 acres at Palm Avenue); 725-10-012, 725-10-014, 725-10-010 and 725-10-011 (10 acres at Riverside); and 725-10-019, 725-10-020, 725-10-021 and 725-10-022 (17.4 acres opposite Richmon Avenue) in the Coyote Valley, along the east side of Monterey Road. As you know, these properties are included in the Development Plan for the proposed Coyote Valley Specific Plan.

Moreover, Ken Saso is a member of the task force and attended the recent scoping meetings which your department held with the community. The purpose of this letter is to formally set forth certain comments for consideration in the Draft EIR.

The EIR should compare and contrast this property to other properties further south on the east side of Monterey Road and to properties northwest across Monterey Road. It is very important to put the property into context. This property is already annexed to the City of San Jose. In fact, it has been within the City for 47 years, paying municipal taxes for services which have

Daryl Boyd

June 30, 2005

Page 2

yet to be received by this property in its undeveloped state. (Ken Saso's grandparents first acquired the land in 1927.) Moreover, it is not in the Williamson Act. Thus, this property, adjacent to Monterey Road and in part abutting a new proposed interchange at Coyote Creek Golf Course Drive (Scheller Avenue) and Monterey Road where commercial development and work place is to occur, is in a ready to develop state. All of the property is in the Urban Reserve since 1984. It has made land available to implement the Coyote Creek Park Chain in the mid-1920's; 19 acres of the land is in park use (30% of entire holdings).

There should be service to properties already annexed before annexing more.

I assume the EIR will discuss the phasing of development for the Coyote. This property deserves to be in the first phase of development.

We recognize that development infrastructure has to be extended, but Monterey Road is already in place and stands as a major north/south transportation corridor through the Coyote Valley. There is no need to acquire a right of way or relocate right of way for the extension of services to fulfill the Draft Coyote Development Plan to serve this property.

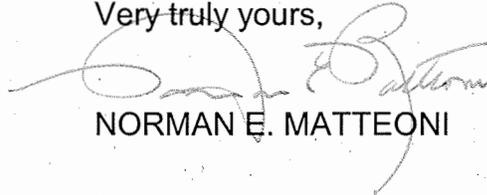
I understand that residential development will pay the biggest share for the extension of services. This property is prepared to do so. The Saso family has received strong interest in the property, but continues to hold it in the family and is prepared to fully develop it with an appropriate partner to meet the high standards of the Coyote's Specific Plan when finally adopted.

Thus, it is important to put this property in its proper setting both physically and jurisdictionally from the standpoint of having already been annexed to the City of San Jose. It is also important to discuss the development of this property in the early stages of the first phase for Coyote Valley in the alternative and section that will be a topic of the EIR.

Daryl Boyd

June 30, 2005
Page 3

Very truly yours,

A handwritten signature in cursive script, appearing to read "Norman E. Matteoni", written in dark ink. The signature is fluid and somewhat stylized, with a large initial 'N' and 'M'.

NORMAN E. MATTEONI

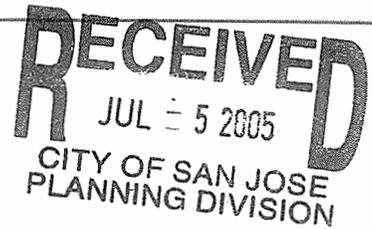
NEM:sd

cc: Ken Saso



July 1, 2005

Mr. Darryl Boyd
City of San Jose
801 North First Street, Room 400
San Jose, CA 95110-1795



RE: **COYOTE VALLEY SPECIFIC PLAN PROJECT EIR**

Dear Mr. Boyd,

Monterey Mushrooms currently operates a mushroom farm in the proposed Greenbelt of the subject project. I have reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Coyote Valley Specific Plan Project and have concerns about several items that may impact our operations. These items are:

- The proposal to relocate Fisher Creek. Fisher Creek currently runs through the center of our property west of Hale Avenue. We are concerned that any modifications to the creek down stream would adversely affect the up stream portion of the creek.
- Play fields west of Monterey Road in the Greenbelt area. Mushroom production produces some odors and we are concerned that a play area too close to the operation may elicit complaints.
- Equestrian Trail Circulation System: The current system proposed on Figure 5 in the report shows equestrian trails going right across where we currently prepare compost. We need to be assured that the trail is re-located elsewhere so that there is no impact on our operations.

Please put us on the correspondence and meeting notification list for this project. I will be the contact person my contact information is below.

Thank you in advance for your consideration.

Sincerely,

Michael R. Salewske, P.E.
Director, Technical Services
Monterey Mushrooms, Inc.

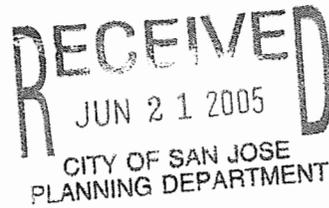
(831) 763-5305 Direct
(831) 539-9060 Cell
(831) 763-2300 Fax

cc: Clark Smith, MMI

MONTEREY MUSHROOMS, INC.
Corporate Office • 260 Westgate Drive
Watsonville, California 95076
831/763-5300 • FAX 831/763-2300

June 16, 2005

City of San Jose
Attn: Darryl Boyd
North First Street
San Jose, CA 95110-1795



Dear Darryl Boyd,

In regards your Notice of Preparation of a Draft Environmental Impact Report for the Coyote Valley Specific Plan Project, City of San Jose, FILE NO. PP 05-102, I wish to submit following comments as am unable to attend EIR Public Scoping meetings.

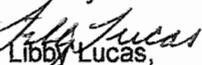
Item F. analysis of 'Environmental Effects of the Project'

- 1) Land Use delineation of Coyote Creek parkland is it accurate in Figures 3, 4 & 5? Isn't the park corridor wider?
- 2) Transportation needs to include more specifics of right-of-way setback, frequency of trains and noise of main West Coast passenger and freight Union Pacific Rail line that passes through center of project area. This should include 'Bullet Train'.
- 3) Air Quality analysis needs to address cumulative impacts of elevated levels of automobile emissions on the serpentine grasslands community along Coyote Ridge, as well as the change that elevated levels of nutrients will have on all vegetation of the surrounding hillside parks and watersheds, which will increase fire hazards.
- 4) Noise should evaluate both freight and bullet trains along Union Pacific corridor.
- 5) Biological Resources needs to establish riparian setbacks for Coyote and Fisher Creeks that will guarantee all beneficial uses. Baseline for Coyote Creek is 150 feet from top of bank and might be the same for Fisher Creek to preserve wetlands? The riparian corridor would preclude paved surfaces and structures. Bay Checkerspot Butterfly (Federally threatened), California Tiger Salamander (Federally threatened and California species of special concern), California Red-legged frog (Federally threatened and California species of concern), Western Pond Turtle and Western Burrowing Owl both (Federal and California species of concern) need habitat to be preserved. Central California Coast Steelhead (Federally listed as threatened) and Fall-Run Chinook Salmon (Federal species of concern and California species of special concern) have been observed in Coyote Creek and tributaries. Migratory birds of Pacific Flyway need to be a consideration along Coyote Creek. Riparian canopy is essential aspect for sufficient shade to cool stream for steelhead coldwater fishery. Cow grazing on surrounding hillsides is needed to mitigate nutrient impacts on Bay Checkerspot Butterfly habitat. The Plan will assure North South wildlife corridor along Coyote and Fisher Creeks and East West cross-valley corridors as well?
- 6) Cultural Resources must honor Coyote Grange Hall and Native American sites.
- 7) Geology and Soils can evaluate exceptionally high quality of Coyote Valley soils. Extensive earthquake faulting which intersects at end of valley is impressive feature.
- 8) Hydrology and Water Quality is the most important aspect of this environmental impact report. Historic Coyote Creek flows need to be referenced to illustrate the full range of water regimen in Coyote Valley. Please note that in 1940-41, 144,034 acre feet of water passed through valley, while in 1947-48 it had only 39 acre feet. These were pre-Anderson Reservoir years. On January 21, 1943, peak flow was 5,450 cfs and on February 2, 1945 it was 6,580 cfs. Pre Coyote and Anderson Reservoir flows were gaged at 15,000 cfs in 1903 and 25,000 cfs in 1911 by USGS. The CVSP lake engineered to hold 250 acre feet, will not do much to absorb such stormwater flows.

It is my recommendation that East of Monterey Road, all residential units be on 2nd floor, and roads within project be recessed to channel waters away from residences.

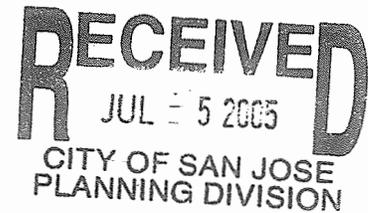
Water supply should take into consideration drought years of low or no Coyote flow.

Thank you for inclusion of these conditions in your deliberations.


Libby Lucas,

174 Yerba Santa Ave., Los Altos, CA 94022

The Costa Family
732 Bellis Court
San Jose, CA 95123



June 29, 2005

City of San Jose
Attn: Darryl Boyd
801 N. First Street, Room 400
San Jose, CA 95110-1795

Re: Coyote Valley Specific Plan EIR, File #PP 05-102

Dear Mr. Boyd:

Our family has been a long-term property owner in both the south and mid-areas of the Coyote Valley. This letter is our formal request to include the following items in the scope of the above referenced EIR for the Coyote Valley Specific Plan.

The CVSP planning effort has been very sensitive to the concerns of a variety of north and mid-Coyote Valley stakeholders, which has resulted in a nuanced plan that has generally balanced trade-offs between numerous conflicting concerns. However, the same statement cannot be made with regard to south Coyote Valley, where the overall planning effort has been minimized.

To meet San Jose's park and recreational facility requirements the CVSP proposal has mapped a large ball and playing field complex west of Santa Teresa Boulevard that extends south from Palm Avenue to Kalana Avenue. This particular recreational complex in south Coyote Valley seems to have been sited without regard for the adjacent residential clustering of higher-end homes in the immediate area. This is the greatest concentration of such housing in all of the south Coyote area. Such disregard was not characteristic of the planning efforts in the north and mid-Coyote areas where large, existing rural home sites were recognized and treated with sensitivity within the plan.

We are requesting that the EIR address how the City will mitigate the potentially adverse impact of these proposed playing fields on the existing rural residential home sites on Kalana Ave and nearby Manfre Road. Potential adverse impacts would include increased litter, traffic, noise and lights from the playing fields as well as from the traffic, and the increased potential for mischief, vandalism and crime that attends such facilities elsewhere. Since San Jose is precluded from offering City services directly to this area south of the Palm Avenue "green line," an explicit plan for their provision by other means (including alternative siting) is imperative for inclusion with the EIR.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Costa". The signature is fluid and cursive.

A handwritten signature in black ink, appearing to read "Janet Costa Hebert". The signature is fluid and cursive.

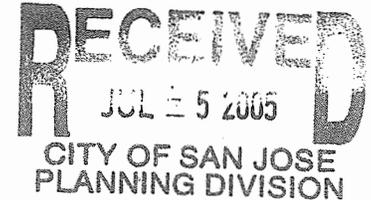
LAW OFFICES OF

JACK KENT

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236 North Santa Cruz Avenue, Suite 231
Los Gatos, California 95030

(408) 395-7171

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Gilroy, CA 95020
(408) 847-4224, ext. 101
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E-Mail: jackkent@earthlink.net

June 29, 2005

Mr. Michael Mena
City of San Jose
801 North First Street, Room 400
San Jose, California 95110
277-4576
FAX: 277-3250
E-Mail: Michael.mena@sanjoseca.gov

RE: Comments to Notice of Preparation of Environmental Impact Report for
Coyote Valley Specific Plan

Dear Mr. Mena,

I represent Filice Estate Vineyards ("Owner"), the owner of approximately 150 acres in the southern Coyote Valley. This letter is submitted as comments to the Notice of Preparation of the EIR for the proposed Coyote Valley Specific Plan (CVSP). This letter is also a formal request for notice and copies of all matters pertaining to the adoption of the CVSP and EIR.

1. Owner objects to the designation of the Coyote Greenbelt as a "permanent, non-urban buffer". The EIR must consider alternatives to urban development only in the North Coyote Campus Industrial Area and the Coyote Valley Urban Reserve.
2. Owner objects to an "Agriculture" land use designation for the Coyote Greenbelt. Agriculture is not economically viable in the Coyote Greenbelt and will become increasingly less viable as surrounding areas (including the north and mid-Coyote Valley) are allowed to develop. Restricting Coyote Greenbelt to agricultural uses denies the Coyote Greenbelt owners the economic use of their properties. The EIR must consider alternatives.

3. The best, highest quality agricultural land in Coyote Valley is in north and mid-Coyote Valley. From an agricultural standpoint, it makes no sense to designate the best land for development and the worst land for agriculture. The EIR must consider development alternatives, including increased densities in the Coyote Greenbelt.
4. Owner objects to allowing development which will accommodate 70,000 – 80,000 residents in north and mid-Coyote Valley while restricting the Coyote Greenbelt as a permanent, non-urban buffer. In effect, the Coyote Greenbelt is the open space mitigation for the urban densities proposed for north and mid-Coyote with no proposal for compensation to the greenbelt owners. The EIR must consider alternatives.
5. The EIR must consider an alternative that allows an increase in residential density within the Coyote Greenbelt so that the owners can realize some economic value from their properties. The EIR should consider clustered housing which will preserve the agricultural/rural character of south-Coyote while allowing the greenbelt owners an opportunity for some development of their properties. The use of easements (conservation easements, open space easements etc.) over the undeveloped areas can facilitate the public use of these areas as well as restricting further development.
6. The EIR must consider the regional effect of the loss of housing in the Coyote Valley resulting from growth restrictions such as the designation of the Coyote Greenbelt as a permanent, non-urban buffer.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack Kent".

Jack Kent,
Attorney for Filice Estate Vineyards

Mena, Michael

From: Boyd, Darryl
Sent: Monday, June 13, 2005 2:29 PM
To: 'lkatz@esassoc.com'
Cc: Walsh, Susan; Yakubu, Salifu; Mena, Michael; Do, Sylvia
Subject: RE: Comments on Coyote Valley Specific Plan!

Thank you for your interest in the CVSP. The simple response to your question is No. The City Council will not be taking any formal action on the proposed CVSP project, including the draft South Coyote Valley Greenbelt strategies, until next year (2006). Any Council decisions regarding the Greenbelt will be made in conjunction with the overall specific plan as a single package. In accordance with CEQA, the Council will adopt EIR findings as a resolution, which would include Statements of Overriding Consideration, prior to taking action on the proposed project. We hope this answers your question.

Darryl D. Boyd, AICP
Principal Planner
City of San Jose, CA
Dept. of Planning, Building & Code Enforcement
Voice - (408) 277-8513; Main (408) 277-4576
email: darryl.boyd@sanjoseca.gov

> WE'RE MOVING
> As of August 22, 2005, our new address will be:
> 200 East Santa Clara Street
> San Jose, CA 95113
>

-----Original Message-----

From: lkatz@esassoc.com [mailto:lkatz@esassoc.com]
Sent: Monday, June 06, 2005 11:07 AM
To: susan.walsh@sanjoseca.gov; salifu.yakubu@sanjoseca.gov;
darryl.boyd@sanjoseca.gov; michael.mena@sanjoseca.gov;
perihan.ozdemir@sanjoseca.gov; sylvia.do@sanjoseca.gov
Subject: Comments on Coyote Valley Specific Plan!

Name: Leah Katz
Email Address: lkatz@esassoc.com
Street Address: 225 Bush Street, Suite 1700 San Francisco , CA
Phone Number:
Comments: Has the City Council adopted any resolutions on the South Coyote Valley Greenbelt and related Statement of Overriding Considerations?

Thank you,
Leah

Mena, Michael

From: Walsh, Susan
Sent: Tuesday, July 05, 2005 5:32 PM
To: 'c_montano@sbcglobal.net'
Cc: Yakubu, Salifu; Boyd, Darryl; Mena, Michael
Subject: RE: Comments on Coyote Valley Specific Plan!

Thank you for your comments on the Coyote Valley Specific Plan (CVSP). As you may know the continued refinement of the Plan and CVSP Task Force and Community Meetings are expected to continue through 2005 and into 2006. The Notice of Preparation (NOP) for the CVSP Environmental Impact Report (EIR) was recently circulated and the comments period closes today.

The issues you have raised regarding the potential for flooding and drainage impacts, the adequacy of water sources, the potential for water pollution and land subsidence, the need for percolation ponds and the potential impacts to natural habitats will all be analyzed in the EIR.

The Draft EIR is expected to be available for public review and comment over the next several months. The best way to stay abreast of the progress on the EIR is to check our website regularly at <http://www.sanjoseca.gov/coyotevalley/>.

I will forward your comments to Darryl Boyd and Mike Mena on our CVSP EIR team.

Please feel free to call or e-mail us with any additional comments or questions. Thanks.

-----Original Message-----

From: c_montano@sbcglobal.net [mailto:c_montano@sbcglobal.net]
Sent: Saturday, July 02, 2005 10:34 AM
To: susan.walsh@sanjoseca.gov; salifu.yakubu@sanjoseca.gov;
darryl.boyd@sanjoseca.gov; michael.mena@sanjoseca.gov;
perihan.ozdemir@sanjoseca.gov; sylvia.do@sanjoseca.gov
Subject: Comments on Coyote Valley Specific Plan!

Name: carmen Montano

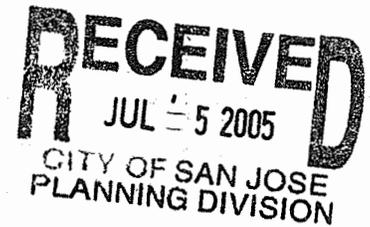
Email Address: c_montano@sbcglobal.net

Street Address: milpitas, CA 95035

Phone Number: 4089560559

Comments: I am a member of both the SC Open Space Authority Advisory Committee and the SCV Water District Advisory Committee. Both committees have discussed the potential impacts that this new mega development project will have on the natural environment. We have been asked to submit our inputs as individual members. Personally I'd like to see the area preserved but we all know that in the name of "Progress" the project must move forward, so with that I will submit my areas of concern. I am concerned with flooding due to the topography of the valley being in a floodplain. Will there be enough drainage systems and where and what tributaries will they drain into? Will the water sources be directly from aquifers and if so how will you prevent them from becoming polluted and over pumped creating more land subsidence. Have percolating ponds been factored in to mitigate land subsidence of from over development and if so will they be strategically located. Will the phases of the project take into consideration the impacts to the natural habitats so as not to be devastating to the wildlife. Will there be another major thoroughfare to the west of the Valley to offset traffic jams on Hwy 101 or will 101 be the only freeway exit? The two main areas of concern are traffic flows in and out of the area and flooding. Thank you, Carmen Montano

Victor LoBue
LoBue Children's Trust
20100 Black Road
Los Gatos, CA 95033
(408) 294-9110



July 1, 2005

Joe Horwedel
EIR, Deputy Director
801 North First Street, Ste. 400
San Jose, CA. 95110

Re: Property East of Monterey Road & North of Palm Avenue

Dear Mr. Horwedel:

It is exciting to be part of a process that will make the City of San Jose become an example of forward thinking and ideal planning that will eventually result in another "jewel" for our City. Granted, there is still much to be done, but as is the case in any beautiful end result, there needs to be the advanced planning **before** you need the project and not when you desperately need the project. It's too late to buy fire insurance when you see the flames.

Being a third generation resident of San Jose and having owned the above property for 60 plus years, our family has seen a multitude of changes. Our Coyote property, being a part of the City of San Jose, has waited countless years to enjoy certain improvements that were to happen when becoming a part of the City. Nothing has happened -- no change has taken place, no improvements have been made.

I have always understood that Monterey Road, from an historical two lane road to what exists today, is the continuation of El Camino Real and a part of the history in the establishment of the many Missions throughout our State and the many names of cities like "San Jose" that also start out with "San".

Coyote Valley is a natural "jewel" within our City, and man, in conjunction with nature, can create and complement this natural beauty with increased aesthetics, landscape, and architectural design. I believe this is the goal of what is being proposed in the Coyote Valley Specific Plan. I think that the one major element that is being thought of in just a "secondary" capacity is my property and the many adjoining properties on the east side of Monterey Road. Monterey Road itself is a major piece of the infrastructure that already exists without the need of "starting from scratch".

The promises of improvements, such as sanitation lines, water, etc., has not taken place, although much of this property is within the City of San Jose. To overlook the assets contiguous to Monterey Road is not only unfair, but it does not utilize to its best advantage what is already "in place" and what can advantageously be developed.

I, of course, can only speak for myself, but I am among the oldest long-term property owners on East Monterey Road. For many decades we have seen this land go from what used to be viable farm land to the present day of planning for the future development of the Coyote Valley. I ask that my property, and others on the East side be an integral part of this development, not just because I am an owner, but because it makes just good sense. Please do not disregard the fact that I have been a part of this City of San Jose real estate without enjoying any of its benefits.

I welcome further conversation with you.

Sincerely,



Victor LoBue

Coyote Valley Alliance for Smart Planning LLC

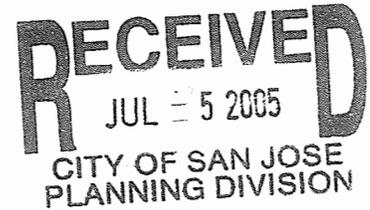
Blossom Hill Road, Suite 159, Los Gatos, CA 95032

Date: July 1, 2005

To: City of San Jose
Atten: Darryl Boyd
801 North First Street, Room 400
San Jose, CA 95110-1795

From: Coyote Valley Alliance for Smart Planning LLC

Re: File PP 05-102 - CVSP EIR Questions and Comments



The Coyote Valley Alliance for Smart Planning LLC is a consortium of property owners in the South Coyote Valley Greenbelt. On behalf of the Coyote Valley Alliance for Smart Planning LLC, please address the following issues in the CVSP EIR process.

According to the Greenbelt Issues Handout last revised 6/22/05 by the City of San Jose, item 3 states under Assumptions and Principles; Existing parcels of record are legally recognized, irrespective of size. They can be developed with a house, and an additional "granny unit" if they pass the County's pre-requisites conditions for development, including percolation and water supply.

1. In the Southwest Coyote Greenbelt Area (west of Monterey Road), there are over 260 parcels which translates to over 520 residential units in the Southwest Greenbelt Area. In addition, there are several businesses in the Southwest Coyote Greenbelt Area that employ over 400 people. Since the CVSP is going to run water and sewer to Palm Avenue, wouldn't bringing the sewer and water system into the Southwest Greenbelt Area be better for the environment than current and future septic systems and water wells?
2. From a practical point, the comments in the revised Greenbelt Issues Handout of 6/22/05 make it clear that the Southwest Greenbelt Area is too chopped up with too many small parcels to be economically viable agriculturally. Therefore, why should the Southwest Coyote Greenbelt Area continue to be designated 20 acre agriculture when it is an area shown to be agriculturally uneconomical and is blighted in some areas due to agriculture economic failure? Wouldn't designating 80% of the Southwest Coyote Greenbelt Area into one acre lots with water and sewer and 20% for parks provide the best chance of maintaining the greenbelt as an economically viable area more fitting to the areas of the North and Mid-Coyote Areas while preserving ample open space?

Sincerely,

A handwritten signature in black ink, appearing to read "Richard DeSmet".

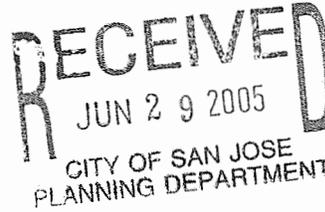
Richard DeSmet

On behalf of the Coyote Valley Alliance for Smart Planning LLC

Coyote Valley Alliance for Smart Planning LLC
Blossom Hill Road, Suite 159, Los Gatos, CA 95032

Date: June 27, 2005

To: City of San Jose
Atten: Darryl Boyd
801 North First Street, Room 400
San Jose, CA 95110-1795



From: Coyote Valley Alliance for Smart Planning LLC

Re: File PP 05-102 - CVSP EIR Questions and Comments

The Coyote Valley Alliance for Smart Planning LLC is a consortium of property owners in the South Coyote Valley Greenbelt. On behalf of the Coyote Valley Alliance for Smart Planning LLC, please address these issues in the CVSP EIR process:

1. Dense residential development as proposed north of Palm Avenue will have serious negative impacts on the ability of residents to maintain sustainable agricultural farming practices, and farmers in the area will find economic loss inevitable. We ask that you address this economic income loss in the EIR process.
2. Blight is a common sight in the South Coyote Valley Greenbelt and is due to the fact that most agricultural activity in the South Coyote Valley Greenbelt is uneconomical due to the pressure of urban expansion into this area. How will the CVSP plan affect the spread of blight in the South Coyote Valley Greenbelt?
3. How will purchasing permanent agriculture easements in the Greenbelt make the Greenbelt economically viable?
4. Should agricultural easements be purchased in the greenbelt, who or what agency will manage the greenbelt?
5. If agricultural easements are acquired in the greenbelt, is it better to have a quasi-government agency such as the Santa Clara Open Space Authority manage these greenbelt agricultural easements or a private company?
6. What is the funding mechanism to acquire the greenbelt?
7. If the agricultural activities in the greenbelt are not economically viable now, how is the Greenbelt that is left behind in the CVSP going to be economically viable from an agriculture standpoint?
8. What is the definition of Open Space?

9. Does Open Space allow for public access in every instance?
10. What is the definition of a Greenbelt?
11. Does the term Greenbelt mean there is public access to the greenbelt?
12. If there is no public access to the greenbelt, then what is the purpose of the greenbelt?
13. What is the definition of a Greenline?
14. For the South Valley Coyote Greenbelt, how was it determined that the Greenline be on Palm Avenue?
15. Since the Greenline in South Coyote Valley is a physical barrier to growth on the south side of Palm Avenue, how was it determined that the Greenline extend south of Palm Avenue by several hundred feet on the East side of Monterey Road?
16. How will the roads in the South Coyote Valley Greenbelt be affected by the CVSP?
17. Since agricultural activities can conflict with urban areas, what are the possibilities of having amendments included in the property deeds in the north and mid-Coyote areas that state that farming and agriculture activities will be allowed to continue unimpeded by lawsuits or threatened lawsuits from mid and North Coyote Valley residents in anything in regard to any agriculture activities in South Coyote Valley?
18. If it is decided to maintain the greenbelt through adequate funding, can creative land uses that meet the Greenbelt objectives, in addition to those acceptable through agricultural zoning, be proactively pursued to increase the long term viability of protecting greenbelt land?
19. Current South Coyote Valley Greenbelt property owners continue to seek greater participation in the CVSP planning process because of the enormous scale of the proposed development bordering their property and its severe detrimental impact on their rural life style and the economic viability of their land. Without a sub-committee to address these issues or even one Greenbelt Property Owner on the Task Force, there has been no effective way to provide input from the Greenbelt Property Owners and therefore the Greenbelt Property Owners have been excluded from the planning process. One of the direct consequences of being left out of the process is that the CVSP is leaving the South Coyote Valley Greenbelt out of the EIR process. Because the South Coyote Valley Greenbelt makes up half of the CVSP, we ask that the South Coyote Valley Greenbelt be included in the CVSP EIR. If the South Coyote Valley Greenbelt is not included in the CVSP EIR, please explain why it is being left out of the EIR.

20. Regarding the CVSP Vision Statement, have all the 16 goals been met as laid out by the San Jose City Council? Should more goals be added or subtracted? Should the existing 16 goals be revised?
21. Other than financing, what are the reasons the South Coyote Valley Greenbelt is in the Coyote Valley Specific Plan?
22. It appears that part of the infrastructure of the CVSP will be placed in the South Coyote Valley Greenbelt. How will property owners be compensated for this property?
23. Included is a report "Urban Edge Farming Conflicts" by Ted Bradshaw of Applied Development Economics dated August 30, 2004. Because it addresses many issues in the South Coyote Valley Greenbelt, we ask that Ted Bradshaw's report be included in the CVSP EIR report.

Sincerely,



Richard DeSmet

And, on behalf of the Coyote Valley Alliance for Smart Planning LLC

Attachment: Ted Bradshaw, Applied Development Economics, report of 8/30/04.

Applied Development Economics

Berkeley, CA

“Urban Edge Farming Conflicts”

By Ted Bradshaw, Rural Sociologist, UC Davis
August 30, 2004

The Coyote Valley Alliance for Smart Planning LLC requested Applied Development Economics to prepare this statement concerning the likely impacts that development of the Coyote Valley will have on the economic viability of their current agricultural activities and rural lifestyles. The property owners are requesting that they be invited to participate in the planning of the entire Coyote Valley, including the area south of Palm Avenue.

Development north of Palm Avenue will impact owners of properties in the designated greenbelt area South of Palm Avenue in three ways that mandate their full participation in the planning process:

- 1) Dense residential development as proposed north of Palm Avenue will have serious negative impacts on the ability of residents to maintain sustainable agricultural farming practices, and farmers in the area will find economic loss inevitable.
- 2) Creative land uses that meet the green belt objectives, in addition to those acceptable through agricultural zoning, should be proactively pursued to increase the long term viability of protecting greenbelt land.
- 3) Current property owners seek greater participation in the planning process because of the enormous scale of the proposed development bordering their property and its severely detrimental impact on their rural life style and the economic viability of their land.

1. Dense residential development as proposed to the North of Palm Avenue will have serious negative impacts on the ability of residents to maintain sustainable agricultural farming practices and farmers in the area will find economic loss inevitable.

There is a large literature on the difficulties and challenges of farming on the urban edge. Some of the most important impacts are:

- farmers are restricted in the use of heavy farming equipment because of its noise and dust;
- certain pesticide and fertilization operations are restricted because of the difficulty of preventing the drift of dangerous materials into residential areas;
- normal farm odors are disliked by neighbors who strive to eliminate the farms that create them;
- domestic dogs get into farmland adjacent to urban developments and kill animals and destroy crops;
- neighbors and visitors are increasingly implicated in the theft of crops and farm machinery in farm areas bordering urban neighborhoods;
- and farmers feel threatened by (and need to defend against) potential anti-farming regulations urban residents propose to city and county governments.

The critical issue is that it is unreasonable to assume that current agricultural practices can continue in the green belt area given the proliferation of urban challenges coming from the proposed developments adjacent to the area. Farming has been the accepted land use for the last 50 years and it continues to be desirable to property owners in the greenbelt, but the reality is that it simply can not continue to be technically and economically viable due to the proposed residential development.

While large-scale farm production is not practiced in the designated greenbelt zone, some believe that farmers in green belts could pursue other forms of small scale and sustainable agriculture including intensive organic crops, specialty crops, wine grapes or fruit orchards, herbs, biotech experiments, horticulture and cut-flowers, or horse ranches. These have the potential of providing suitable agricultural use of the farm land.

However, for current owners of the property, the transition from their existing production model to a new one that is biologically and economically sustainable may be feasible in theory only, because it requires a new level of entrepreneurship to identify new agricultural options, enter new markets, and raise the considerable funding needed to invest in new crops and operation practices.

The literature again suggests that while some of these “new agriculture” models are successful, there is considerable risk involved for sizeable investments. By itself, maintaining agricultural zoning in the green belt will not encourage new forms of economically viable agriculture and will require incentives, capital, technical assistance, marketing, and other means of support.

2. Creative land uses that meet the green belt objectives, in addition to those acceptable through agricultural zoning, should be proactively pursued to increase the long term viability of protecting greenbelt land.

Since urban edge farming is going to be very different and expensive, property owners in the green belt area should be able to negotiate innovative and reasonable alternatives to the current agricultural zoning. While it is possible in an agriculture zone to do a range of agriculture related enterprises with use permits, such as wine tasting, farmers markets,

and recreational venues, the land owners need additional assurances that their economic interests can be reasonably met while still meeting the objectives of a green belt.

Again, the literature is informative in showing the long term vulnerability of property reserved from development through the retention of agricultural zoning while nearby areas are intensely developed. Greenbelt or reserved areas that are in private ownership and that are not economically viable tend not to be used for agricultural uses, especially if the parcels are small. In spite of initial stated commitment of county planning boards and elected politicians, the historical trend has been for these areas to eventually be developed.

We do not doubt the current commitment of the City and County to preserving agricultural zoning in the area, but the pressure to eventually change zoning increases to the degree that the land is not being used in economically viable ways.

Again, the planning literature includes many strategies to create viable low density land uses that are compatible with greenbelt reservations at the edge of urban areas. ***Some of these include cluster housing, agri-tourism, conservation easements, transfer of development rights, or public ownership.***

The property owners seek to work closely with the various city and county interests setting up the green belt to explore reasonable ways to increase the economic viability of their parcels once they become close neighbors with a dense urban development, in addition to what is permitted by agricultural zoning.

3. Current property owners seek greater participation in the planning process because of the very enormous scale of the impact on their rural life style and the economic viability of their land use when the open space bordering their property is developed.

The immediate realities of the current planning discussions have mobilized the property owners in the proposed greenbelt area, and they would rather be partners in the planning process than adversaries.

We believe it can be shown that the property owners have legitimate concerns over their quality of life that compound anticipated concerns over their economic interests.

The literature shows that urban encroachment irreversibly alters rural life styles even if the residents find alternative economically viable sources of income.

For example, traffic patterns will surely increase in the greenbelt. With subdivision of the neighboring property, it is inevitable that the number of cars on currently lightly traveled roads will dramatically increase, endangering children and adults alike, who now use and cross the roads safely. In addition, air pollution, water run-off, ground water contamination, and other factors change the rural living experience completely due to causes completely independent of anything done by existing rural residents. Growth

caused by nearby development typically increases the need for police services, and means many changes in schools. Finally, it subjects residents to many costly urban rather than rural codes and regulations.

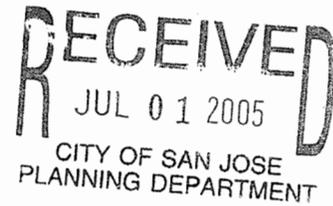
The property owners are concerned about the high costs of these impacts on their economic well being and life style, and they would like to work on mitigating these impacts in a creative and all-encompassing manner. The literature on participation in the planning process generally concludes that when all parties with interests are included, public conflict is less likely and the effectiveness of planning outcomes is increased. ***It is in the interests of the County, City, and those doing the urban development as well as the new home purchasers, to have a successful greenbelt from both a fiscal and aesthetic point of view.***

In sum, the property owners in the greenbelt area will suffer in many ways because of the urbanization of the property just north of them, and they want to be included in the planning process so that in an orderly fashion they can envision solutions and lay the foundation for partnerships that will ensure an economically viable future for the whole Coyote Valley.

As noted in the first point above, it is clear that maintaining financial viability on these parcels will be difficult without new crop technologies, major financial investments in farm equipment, land conditioning, plantings, marketing, and workforce training. Agricultural zoning alone will not encourage this type of sustainable agriculture. This is compounded by irreversible deterioration in the current rural life style, requiring new public involvement and investment. Without a strong partnership between the property owners and the City and County this type of investment is most unlikely.

Ted Bradshaw
Applied Development Economics
Berkeley, CA

Richard DeSmet
1377 Echo Valley Drive
San Jose, CA 95120



June 29, 2005

City of San Jose
Atten: Darryl Boyd
801 North First Street, Room 400
San Jose, CA 95110-1795

Re: File PP 05-102 – CVSP Questions and Comments

I attended the scoping meetings for the Coyote Valley EIR. I represent the ownership interests of nine parcels: three parcels (total of 29.05 acres) on the north side of Palm Avenue (APN 712-28-056, 712-28-058, 712-28-059) and four parcels (total of 50.65 acres) on the south side of Palm Avenue (APN 712-27-001, 712-27-002, 712-27-011, 712-27-012).

Summary of parcels on north side of Palm Avenue:

APN 712-28-056,	9.05 acres,	394,218 sq. ft.
APN 712-28-058,	10.00 acres,	435,600 sq. ft.
APN 712-28-059,	10.00 acres,	435,600 sq. ft.
Totals:	29.05 acres,	1,265,418 sq. ft.

Summary of parcels on south side of Palm Avenue:

712-27-001,	19.65 acres,	855,954 sq. ft.
712-27-002,	1.00 acre,	43,560 sq. ft.
712-27-011,	20.00 acres,	871,200 sq. ft.
712-27-012,	10 acres,	435,600 sq. ft.
Totals:	50.65 acres,	2,206,314 sq. ft.

Summary totals: 79.70 acres, 3,940,547 sq. ft.

Requests were made for oral and written comments on the scope of the EIR. I offer written comments.

But first let me put the properties in context. The 29.05 acres on the north side has a proposed designation of low density residential with 6-8 acres for an elementary school/park site. Initially there was neighborhood concern over higher density because of existing development; but it is my understanding that these neighbors are now more comfortable with somewhat higher densities.

The EIR should look at compatibility of an elementary school/park with higher density residential. In my experience schools and parks are usually adjacent to residential of 3,500 -10,000 sf lots. Rather than large lots, and since there are already 3,500 sf residential lots designated around the school and park, it seems appropriate to have smaller lots with homes adjacent to the school and park. This provides a neighborhood buffer to the school and park for built in surveillance from the homes.

The larger land holdings are four parcels on the south side of Palm Avenue (see map enclosed) totaling 50.65 acres. The proposed plan placed this property in the greenbelt from the start. But as the plan has evolved, there are important features indicated adjacent to these parcels. There is a proposed greenway immediately to the south which is intended for a wildlife corridor, walking paths, bicycle paths, horse trails, and waterways. This appears to be a much more natural demarcation between urban uses to the north and rural to the south than Palm Avenue directly west of Monterey Road. Further, it is intended to invite people movement and is meandering with the consequence that the parcels in question are not left in regular shapes and are otherwise too small for sustainable agricultural use. One acre lots make sense here which would allow those lots to contribute to the corridor.

This would allow a step down in densities from north to south.

Such alternative uses should be considered in the EIR.

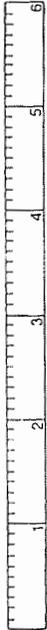
In addition, the EIR should examine the alternative of whether agriculture is a realistic use for smaller parcels (10 and 20 acres) directly across the street from higher density residential and school use, isolated from the larger agriculture holdings by the corridor. The agriculture economic report by SAGE (Coyote Valley Specific Plan – Greenbelt Research June 2005) commissioned by the City of San Jose indicates that agriculture is not viable here.

Sincerely,



Richard DeSmet

Attachments: parcel maps



SCALE IN 1/10 OF AN INCH

1-800-345-7334

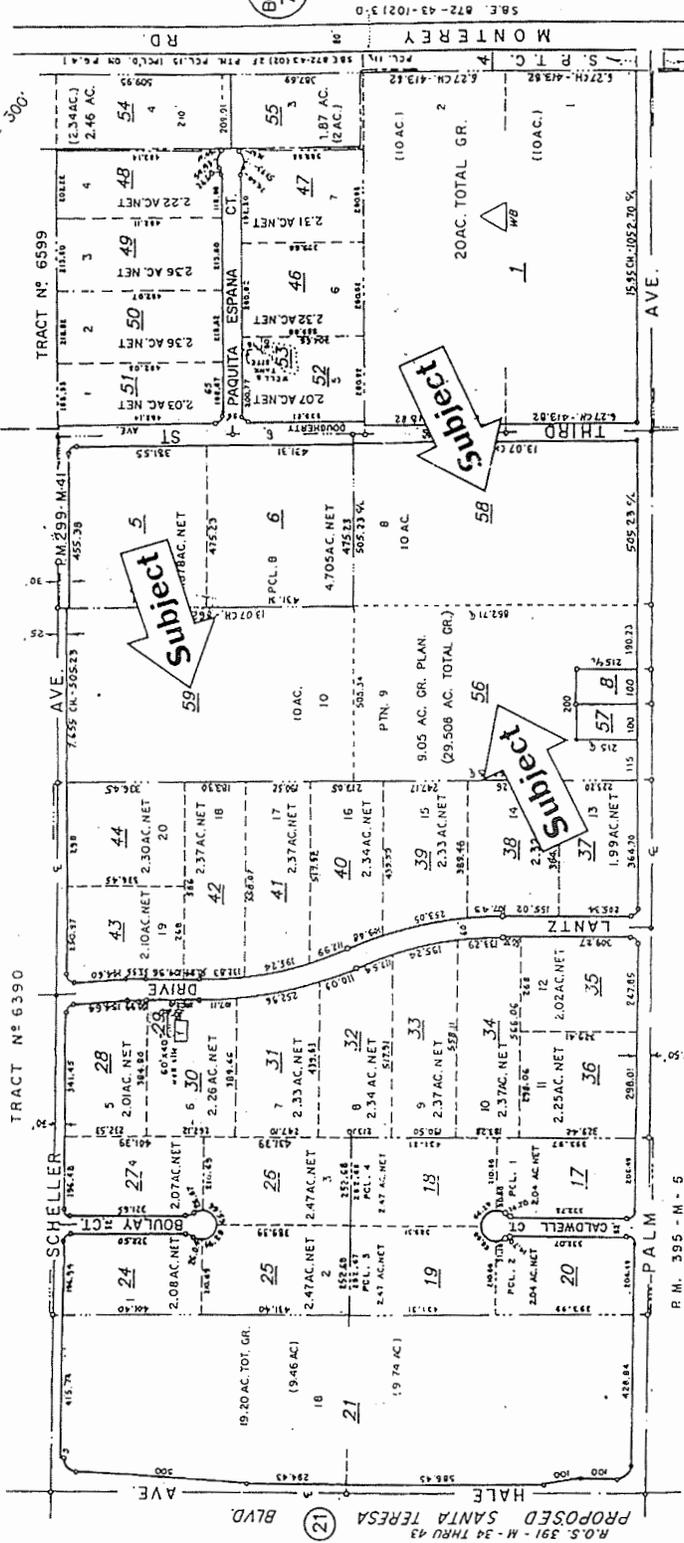
OFFICE OF COUNTY ASSESSOR - SANTA CLARA COUNTY, CALIFORNIA

BOOK 712 PAGE 28



MURPHY - COLOMBET SUBDIVISION - N 2

(4)



R.O.S. 591 - M - 34 THRU 43 PROPOSED SANTA TERESA BLVD (21)

P.M. 395 - M - 5

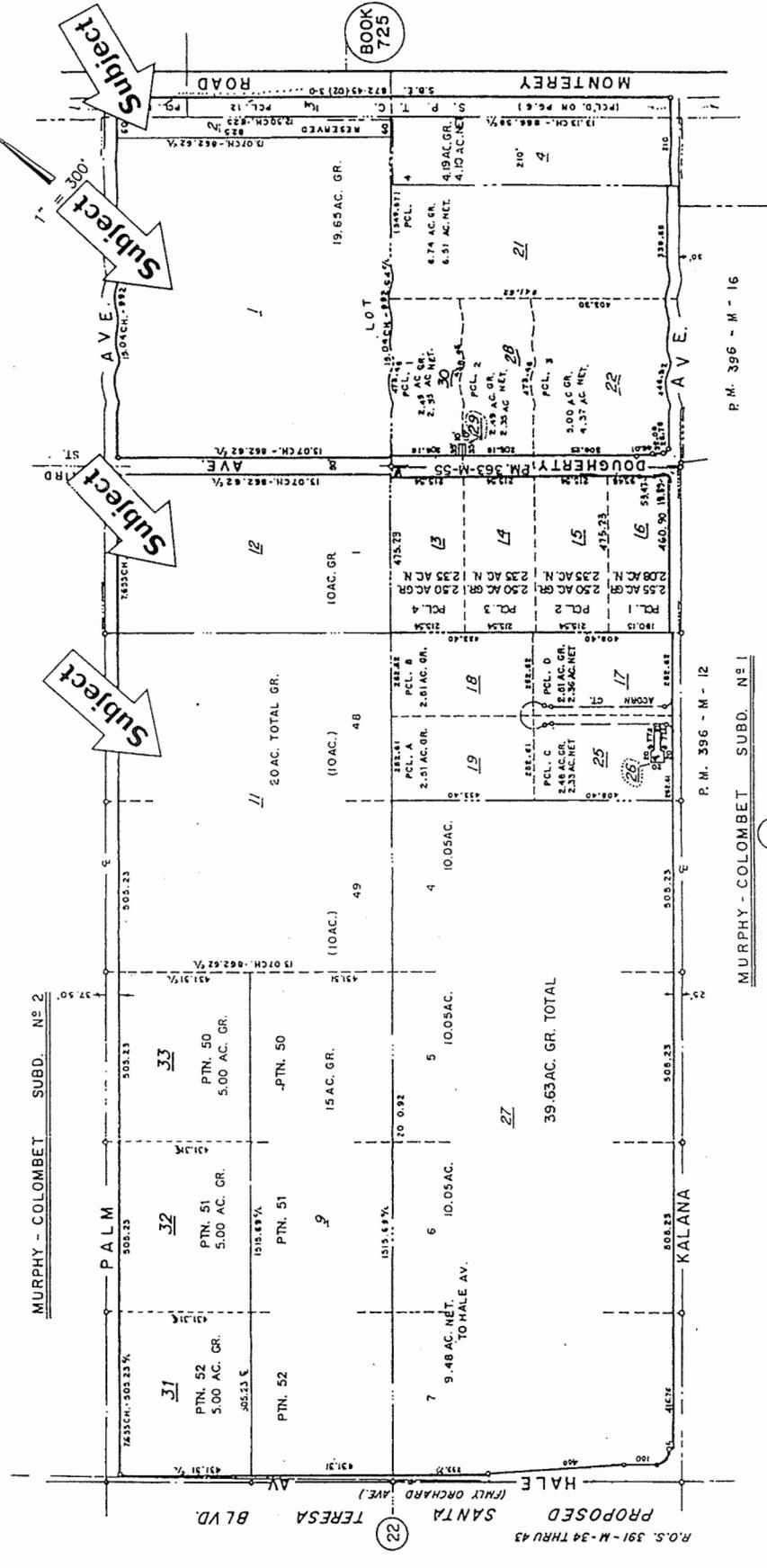
(27)

Computed in accordance with sec. 37 of the R. & L. code. For statement purposes only. Effective For Roll Year 1999-2000 LAWRENCE E. STONE - ASSESSOR

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

BOOK 712 PAGE 27

(28)



Completed in accordance with the 377 of the
R. A. I. Code for assessment purposes and
Effective For Roll Year 1998-99
LAWRENCE E. STONE - ASSESSOR

(6)

INCHES
3 2 1

From: "Jenny Chan" <JennyChan204@earthlink.net>
To: darryl.boyd@sanjoseca.gov , Richard C DeSmet <richarddesmet@sbcglobal.net>
Date: Fri, Jul 1, 2005, 9:46 AM
Subject: EIR

Dear Darryl,

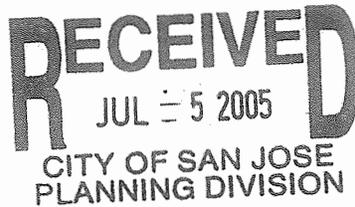
I am writing on behalf of the Chinese landowners in Coyote Valley. We would like the following issues addressed by the Environment Impact Report for the Coyote Valley Specific Plan:

1. The city of San Jose has designated our properties as "greenbelt". We want to know how the city of San Jose and/or developers will pay for our land and at what price.
2. The South Coyote Greenbelt is half of the specific plan and therefore should be included in the CVSP EIR.
3. What are the reasons for NOT including the Greenbelt in the EIR?
4. The development in the north and mid Coyote areas will have a big impact on our farm and our lives. How will we be compensated?
5. How will the CVSP affect our agriculture businesses?

We hope the above issues will be addressed by/in the coming EIR.

Thank you.

Chinese Landowners
in Coyote Valley



Bay Area Chrysanthemum Grower's Assn
1763 Ringwood Ave
San Jose, CA 95131

PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN

We, the property owners, homeowners, small business owners and community members living in and around the Coyote Greenbelt Area, are deeply concerned regarding the development plans outlined by the Coyote Valley Specific Plan. The Coyote Valley Specific Plan is flawed because it does not take into consideration the best use and best interest of the community. Our interests and concerns have not been represented sufficiently by the advisory Task Force. The Coyote Valley Specific Plan concentrates too much density and development in the Coyote Valley Urban Reserve and North Coyote Campus Industrial Area and totally neglects the Coyote Greenbelt Area.

We propose that the Coyote Greenbelt Area also be adopted in the current development plans to have a better balance in the community. The high density in development in the Coyote Valley Urban Reserve and the North Coyote Campus Industrial Area with no development in the Coyote Greenbelt Area will create a nuisance factor. The substantial increase in urban congestion, traffic issues, environmental pollution and other problems will lead to a much lower quality of life for the community of San Jose.

Contributing to the problem will be the impact on the environment from foul odors, dust, fertilizers, noise and pesticides from the agricultural uses in the Coyote Greenbelt Area with the neighboring homes, schools and parks of the Coyote Valley Urban Reserve.

It is also becoming very difficult for the small farmer to survive in the current economic environment with the substantial increase in expenses due to higher labor costs, energy costs and operating costs. Therefore, for all of these reasons and in the best interest of the community, the Coyote Greenbelt Area must be included in the development plans for the Coyote Valley Specific Plan now rather than later.

We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

Siu Luny Mok Siu Luny Mok
530-2 Live Oak Ave.
Morgan Hill,
CA. 95037
(408) 778-6127
6-15-04
7-4-05

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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

Henry K. McLean - 10355 DOUGHERTY, M.H.

6-15-04
7-4-05

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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

David Garcia 210 Los Hermanos Ct, M.H. 227-3153

6-15-04
7-4-05

4

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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

Samuel Kwong

254 San Bruno Ave. Morgan Hill
Ca, 95037. Tel: 408-778-0334.

6-15-04
7-4-05

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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

Wayne Cole

10010 Dougherty Ave 408-463-1688
Morgan Hill CA 95037

6-15-04

7-4-05

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Stanley Fitzgerald
10010 DOUGHERTY Ave Morgan Hill Ca 95037
(408-263-1688)

6-15-04

7-4-05

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<u>Robert Garcia</u>	622A San Bruno Av, Morgan Hill.	972-2661
<u>Paula M. Garcia</u>	} 190 San Bruno Av, M.H.,	778-0442
<u>Ronald Garcia</u>		
<u>Bob Zou</u>	} 200A Los Hermanos Ct, M.H.	778-0130
<u>Michelle Ly</u>		
<u>John Garcia</u>	- 2000 Los Hermanos Ct, M.H.,	776-1376

6-15-04
7-4-05

8

**PETITION CONCERNING THE PROPOSED
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[Signature]

408) 463-0732
10090 Daugherty Ave MH CA 95037

Robert Safaue

6-15-04

7-4-05

9

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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

Yuki Fong
408-996-8879

19700 Dougherty Ave
Morgan Hill, CA 95037

6-15-04
7-4-05

10

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Frank Mujica 275 Live Oak Av

6-15-04

7-4-05

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Ji Hai Yang Ji Hai Yang

10360 Dougherty Ave
Morgan Hill CA 95037

408-463-8755
6-15-2004
7-4-2005

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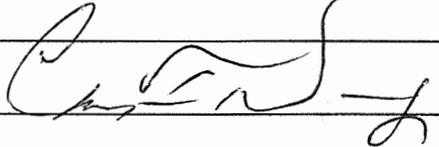
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BAY AREA GROWER ASS.
CHUNG TIM WONG
PO BOX 712-25-008-00
HALE AVE
MORAN HILL. 95037.
408. 734 8462.

6-15-2004
7-4-2005

PETITION CONCERNING THE PROPOSED
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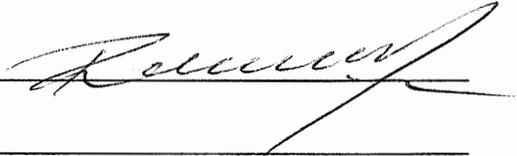
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<u>Rocky TAM</u>	<u></u>
<u>195-A SAN BRUNO AVE</u>	<u>6-15-04</u>
<u>MORGAN HILL CA 95037</u>	<u>7-4-05</u>
<u>(408) 779-8681</u>	<u></u>
<u></u>	<u></u>
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15

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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

Chip So Mock

AH So Mock

10370 Dougherty Ave

(408) 778-2256

Morgan Hill CA 95037

6-15-2004

7-4-05

PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN

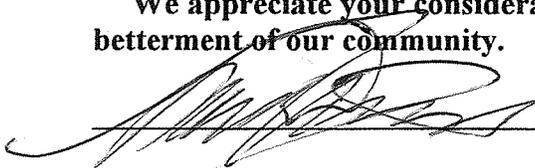
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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.



MAN TRAY

195 (B) SAN BRUNO AVE
M. A. EA. 97037
(408) 779-9513

6-15-04
7-4-05

PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN

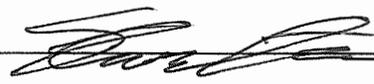
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 (STEWART CHAN) 6/15/04

(MARCIA) 1249 CREIGHTON CT. 7/4/05
ATTN MILPITAS, CA. 95035

(408) 942-8840

Property Add: 150 Kalana Ave
Morgan Hill, CA.

PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN

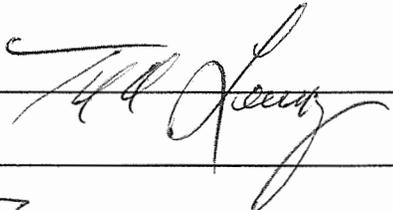
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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

TED LEUNG.	
285 SAN BRUNO AVE.	
MORGAN HILL, CA 95037.	
(408) 778-0388.	
6-15-2009	
7-4-05	

PETITION CONCERNING THE PROPOSED
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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

Loong Hing Law
TEL 510-659-0599

LOONG HING LAW

6-15-2004
7-4-2005

21

PETITION CONCERNING THE PROPOSED
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Yik Bun Law
Tel 408-779-4837

YIK BUN LAW
225 MIRAMONTE AVE. MORGAN HILL CA 95037

6-15-2004
7-4-2005

22

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TAN HENG
220 MIRAMONTE AVE.
MORGAN HILL, CA. 95137.
(408) 779-8563.


06/15/2004.
7/4/2005

PETITION CONCERNING THE PROPOSED
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KAM CHI CHAN
250 SAN BRUNO AVE
MORGAN HILL CA 95037
(408) 779-0661

Kam Chi Chan
6/15/2004
7-4-05

24

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<u>Bum Leung</u>	<u>BUN LEUNG</u>
<u>635-B MIRAMONTE AVE.</u>	<u>MIRGAN HILL CA.</u>
	<u>95037</u>
<u>(408) 778-3174</u>	<u>6/15/04</u>
	<u>7-4-05</u>

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Richard A. Han

355 SAL BRUNDAGE

MARQA HILL, CA 95037

408-778-0088

6-15-2004

7-4-05

26

PETITION CONCERNING THE PROPOSED
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<u>SIU WAH MOK</u>	<u></u>
<u>2024 ALANA AVE</u>	<u>6-15-2004</u>
<u>MORGAN HILL CA 95037</u>	<u>7-4-05</u>
<u>TEL (408) 463-0410</u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

PETITION CONCERNING THE PROPOSED
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Siu Lum MAK
20-B KALAMA
AVE Morgan HILL
CA 95037

Siu Lum MAK
(408) 463-0174
6-15-2004
7-4-05

29

PETITION CONCERNING THE PROPOSED
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SING LCM
10050 DOUGHERTY AVE
MORAN HILL, CA
95037
(408) 463 0334
Sing Chau
6-15-04
7-4-05

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WAYLAND TAM
195-C SAN BRUNO AV,
MORGAN HILL, CA
95037
(408) 779-1903
Wayland Tam
6-15-04
7-4-05

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Bill A. Trudgian
624 SAN BRUNO AVE.
MORGAN HILL, CA 95037
(408) 778-3897
6-15-04
7-4-05

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Negonia A. Jessor
624 San Bruno Ave
Morgan Hill, CA 95037
(408) 778-3897
6-15-04
7-4-05

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Wai Fong Chan

335 SAN BRUNO AVE.

Morgan Hill, CA 95037.

Tel. (408) 778-1720,

6-15-2004

7-4-05

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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

Hanson Hom _____

320 A. Kolana AVE _____

Morgan Hill Ca 95037 _____

Hanson Hom _____

(510) (~~400~~) 523-0725 _____

6/15/04
7-4-05

PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN

We, the property owners, homeowners, small business owners and community members living in and around the Coyote Greenbelt Area, are deeply concerned regarding the development plans outlined by the Coyote Valley Specific Plan. The Coyote Valley Specific Plan is flawed because it does not take into consideration the best use and best interest of the community. Our interests and concerns have not been represented sufficiently by the advisory Task Force. The Coyote Valley Specific Plan concentrates too much density and development in the Coyote Valley Urban Reserve and North Coyote Campus Industrial Area and totally neglects the Coyote Greenbelt Area.

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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

NUI KIT LEUNG
Nui Kit Leung
159 SAN BRUNO AVE
MORGAN HILL, CA 95037
(480) 778-2619
6-15-04
7-4-05

PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN

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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

MY HAWK LOK NURSERY
320 KALANA AV.
MORGAN HILL, CA 95037
(408) 463-0903
[Signature]
6-15-04
7-4-05

PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN

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Guo Ping Yuan

GUO PING YUAN

620 SAN BRUNO AVE

MORGAN HILL CA 95037

PHONE (408) 778-9992

6-15-04

7-4-05

PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN

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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

Donald C Mirassou 623AC San Bruno Ave

Donald C Mirassou Morgan Hill, Ca

6-17-04 225-3872

7-4-05

PETITION CONCERNING THE PROPOSED
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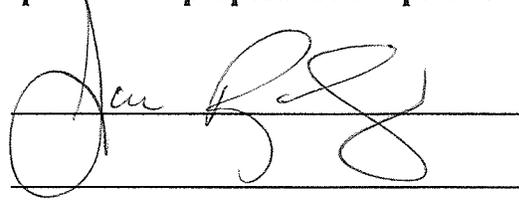
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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

JANE RODRIGUES



525 LIVE OAK AVE

MORGAN HILL, CA

95037

(408) 778-6302

6-15-04

7-4-05

40

PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN

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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

RSF Magalan

~~W. H. Hale~~ W. H. Hale 779-3095
M. H. Calif 95037

6-15-04
7-4-05

PETITION CONCERNING THE PROPOSED
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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

T Frank Ing

PROPERTY ADDRESS:
310 KALANA AVE
MORGAN HILL, CA 95037

6-15-04
7-4-05

MAILING ADDRESS:
19920 MERRITT DR.
CUPERTINO, CA 95014
408-253-9166

42

PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN

We, the property owners, homeowners, small business owners and community members living in and around the Coyote Greenbelt Area, are deeply concerned regarding the development plans outlined by the Coyote Valley Specific Plan. The Coyote Valley Specific Plan is flawed because it does not take into consideration the best use and best interest of the community. Our interests and concerns have not been represented sufficiently by the advisory Task Force. The Coyote Valley Specific Plan concentrates too much density and development in the Coyote Valley Urban Reserve and North Coyote Campus Industrial Area and totally neglects the Coyote Greenbelt Area.

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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

PROPERTY ADDRESS:

310 KALANA AVE

MORGAN HILL, CA 95037

MAILING ADDRESS:

19920 Merritt Dr
CA 95014
408-718-0269

7-4-05

PETITION CONCERNING THE PROPOSED
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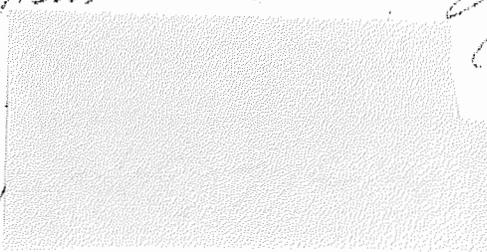
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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

Florence O. Thom
3300 Melrose Ave.
San Carlos, CA
94070
650-542-5711



Florence O. Thom
(Pres. proxy owner in Coyote Valley)

7-4-05

PETITION CONCERNING THE PROPOSED
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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.

Daniel A. Carroll

532 Live Oak Ave, Morgan Hill

Bonnie L. Carroll

532 Live Oak Ave, Morgan Hill

7-4-05

45

PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN

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Frederic Lerner

201 San Bruno Ave. MH 95037

Michael D. Fenwick

201 San Bruno Ave. MH 95037

Nancy

201 San Bruno Ave MH. 95037

7-4-05

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Derick Wong (408) 674-3665
128 Kalana Ave
Morgan Hill CA 95037

7-4-05

47

PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN

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PROPERTY ADDRESS:	MAILING ADDRESS:
310 KALANA AVE	GEORGE WONG
MORGAN HILL CA	3252 - CALHOUN ST
95037	ALAMEDA CA 94501

OWNER'S NAME: KAREN WONG	GEORGE WONG
--------------------------	-------------

<i>[Signature]</i> 6-19-04	<i>[Signature]</i> 6-19-04
7-4-05	7-4-05

48

**PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN**

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[Handwritten signature]

[Handwritten signature]

7-4-05

**PETITION CONCERNING THE PROPOSED
COYOTE VALLEY SPECIFIC PLAN**

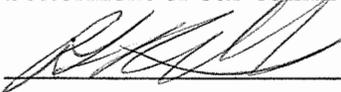
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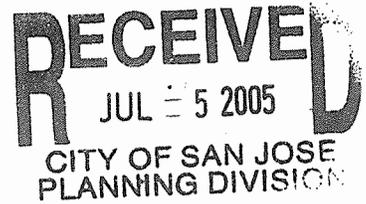
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We appreciate your consideration and hope that our proposal be adopted for the betterment of our community.


_____ Parcel # 712-09-005-00

7-4-05

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley, please find the issue below which I wish addressed in the CVSP EIR process:

Environmentally, why would you want an area -- the Greenbelt -- sandwiched in between two developed areas - Morgan Hill and North of Palm? This would be a rather large area that is fairly developed with homes and businesses that will exist without City services.

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Helen M. Owen

Post Office Box 2957
Saratoga, California 95070-0957

RECEIVED
JUL 01 2005
CITY OF SAN JOSE
PLANNING DEPARTMENT

June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
please find the issue below which I wish addressed
in the CVSP EIR process:

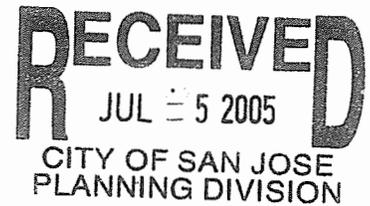
Will Monterey Highway be widened through the
Greenbelt to handle the anticipated increased
traffic north of the Greenbelt and south of the
Greenbelt?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Helen M. Owen

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

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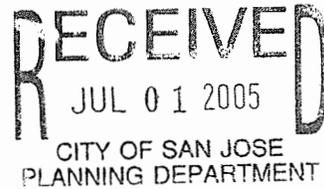
Will Sibella Krause's report be utilized as the basis for the Greenbelt strategy, even though it is incomplete and does not provide any type of funding mechanism?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Edward A. Owen

Post Office Box 2957
Saratoga, California 95070-0957



June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
please find the issue below which I wish addressed
in the CVSP EIR process:

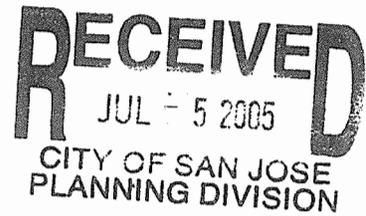
Will the Monterey Highway route through the Green-
belt be meandered like what is proposed through
the mid and north sections of Coyote Valley?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Edward A. Owen

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and Comments

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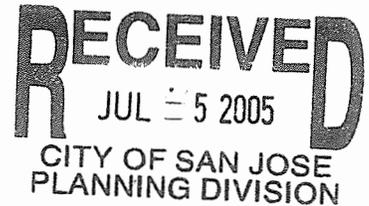
What environmental benefit does the Greenbelt provide?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Rosalie Cacitti

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR
Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
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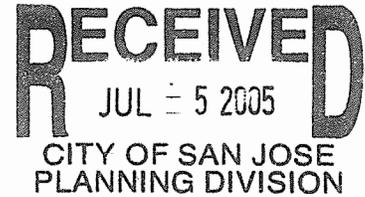
What economic benefit does the Greenbelt provide?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Rosalie Cacitti

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR
Questions and Comments

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As a property owner within the Coyote Valley,
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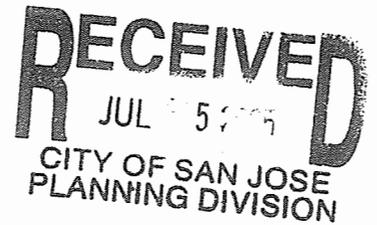
What other potential uses will be studied for the
Greenbelt?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Rosalie Cacitti

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05--102-CVSP EIR Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley, please find the issue below which I wish addressed in the CVSP EIR process:

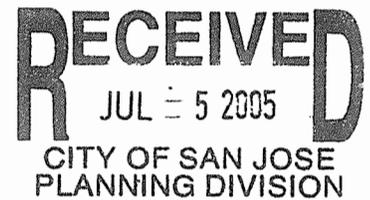
The Coyote Specific Plan consists of the north, mid and Greenbelt areas. Why was it that Greenbelt representation was not part of the Task Force membership?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Rosalie Cacitti

Post Office Box 2957
Saratoga, California 95070-0957



June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
please find the issue below which I wish addressed
in the CVSP EIR process:

The Greenbelt strategy for the Coyote Valley Specific
Plan needs to include alternatives that will com-
pensate for the tremendous expected impact that will
occur due to the inevitable development in mid and
north Coyote Valley.

What will these alternatives be?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Rosalie Cacitti

Post Office Box 2957
Saratoga, California 95070-0957

June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

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As a property owner within the Coyote Valley,
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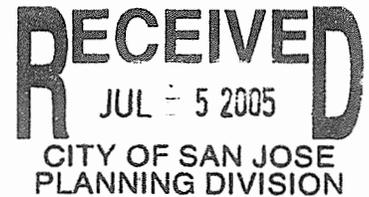
Will additional parkland be needed within the
Greenbelt due to the necessity of offsetting miti-
gation from the CVSP?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Rosalie Cacitti

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley, please find the issue below which I wish addressed in the CVSP EIR process:

What is going to happen to those properties within the Greenbelt that have residential zoning inasmuch as the General Plan has since been changed so there is an inconsistency?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Leo J. Cacitti

Post Office Box 2957
Saratoga, California 95070-0957

RECEIVED
JUL 01 2005
CITY OF SAN JOSE
PLANNING DEPARTMENT

June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
please find the issue below which I wish addressed
in the CVSP EIR process:

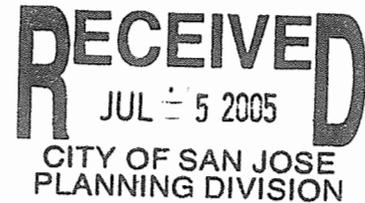
If the Greenbelt properties will be prohibited from
development, what type of property tax relief will
be granted?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Leo J. Cacitti

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR
Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
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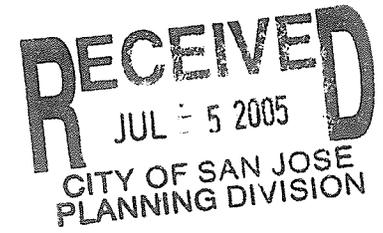
If farming does not work now in the Greenbelt,
how will it change if there is no funding to make
it happen?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Ray Russo, Sr.

Post Office Box 2957
Saratoga, California 95070-0957



June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
please find the issue below which I wish addressed
in the CVSP EIR process:

By whom and how will the necessary mitigations
within the Greenbelt, due to the CVSP, be decided
and acted upon?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Ray Russo, Sr.

Post Office Box 2957
Saratoga, California 95070-0957

June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

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As a property owner within the Coyote Valley,
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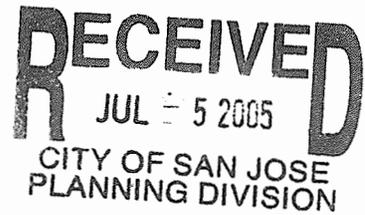
Will the degree of service within the Greenbelt
be improved due to the CVSP development, i.e.,
police, fire, ambulance, etc.?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Ray Russo, Sr.

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley, please find the issue below which I wish addressed in the CVSP EIR process:

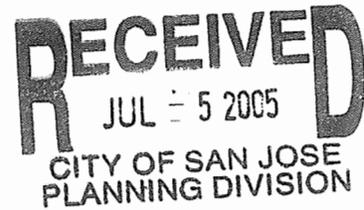
If farming is no longer an economically-viable enterprise within the Greenbelt, who is going to be in charge of making it work? Who is going to pay for it?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Ray Russo, Jr.

Post Office Box 2957
Saratoga, California 95070-0957



June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
please find the issue below which I wish addressed
in the CVSP EIR process:

There is no doubt that the Greenbelt infrastructure
will have to be improved and expanded due to the
sheer number of cars, pedestrians, bicylists and
equestrians that will be using this area.

How will these improvements be paid for, and who
will pay for them?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Ray Russo, Jr.

Post Office Box 2957
Saratoga, California 95070-0957

RECEIVED
JUL 01 2005
CITY OF SAN JOSE
PLANNING DEPARTMENT

June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

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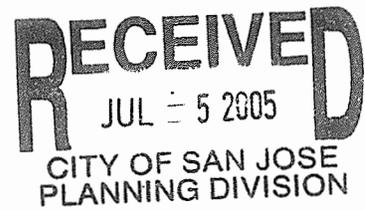
With the development of the Coyote Valley Specific
Plan, will cable operators be able to provide service
within the residences in the Greenbelt, or will this
be considered infrastructure?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Ray Russo, Jr.

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and Comments

Dear Mr. Boyd:

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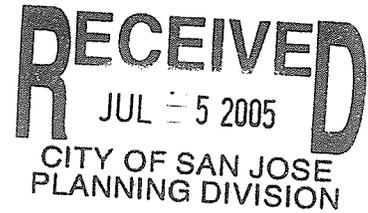
If the Greenbelt acreage comprises over half of the Coyote Valley Specific Plan, why has so little effort gone into truly creating a Greenbelt strategy?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Carmen Russo

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR
Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
please find the issue below which I wish addressed
in the CVSP EIR process:

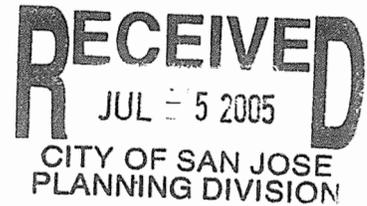
Who will benefit from the Greenbelt?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Carmen Russo

Post Office Box 2957
Saratoga, California 95070-0957



June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

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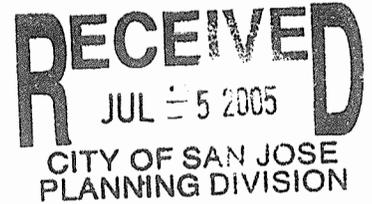
How will the Greenbelt strategy be funded within
the Coyote Valley Specific Plan?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Carmen Russo

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley, please find the issue below which I wish addressed in the CVSP EIR process:

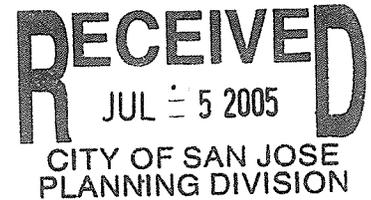
Does not LAFCO require that farm land be replaced?
What will happen when the mid and north properties are annexed into the City of San Jose?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Camille R. Filizetti

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR
Questions and Comments

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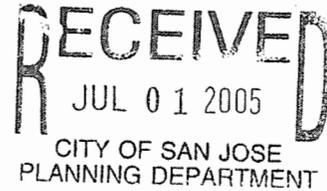
Will the roads in and through the Greenbelt be
maintained in a similar level and condition like
the rest of the area within the CVSP?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Camille R. Filizetti

Post Office Box 2957
Saratoga, California 95070-0957



June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

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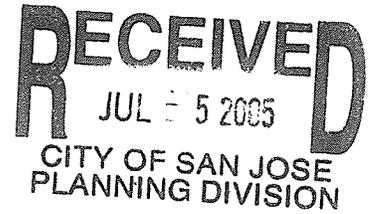
Will the roads and road systems be maintained in
a better manner than they currently are with the
implementation of the CVSP and, if this is so, who
will pay for it?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Camille Filizetti

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley, please find the issue below which I wish addressed in the CVSP EIR process:

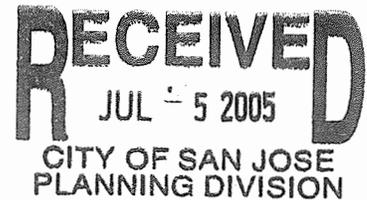
Will Coyote Creek Parkway be further developed, and will it have an impact on the CVSP?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Joseph Filizetti

Post Office Box 2957
Saratoga, California 95070-0957



June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
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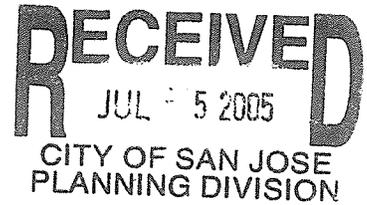
The Greenbelt has numerous country roads. Will
they be widened to handle the anticipated increased
traffic created by the CVSP, as well as the
continued growth of Morgan Hill?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Joseph Filizetti

Post Office Box 2957
Saratoga, California 95070-0957



June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
please find the issue below which I wish addressed
in the CVSP SIR process:

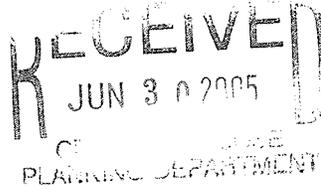
What specific parcels will need to be purchased
in order to facilitate the CVSP within the
Greenbelt?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Mary Marchese

Post Office Box 2957
Saratoga, California 95070-0957



June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley, please find the issue below which I wish addressed in the CVSP EIR process:

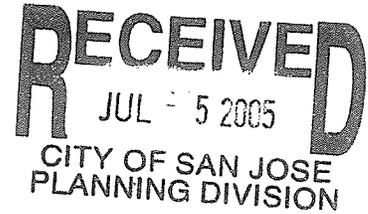
Will the Greenbelt roads receive signalization in order to combat the tremendous traffic which can only be anticipated with the scope of development that is planned to the north, as well as the growth and development of Morgan Hill and Gilroy?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Mary Marchese

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley, please find the issue below which I wish addressed in the CVSP EIR process:

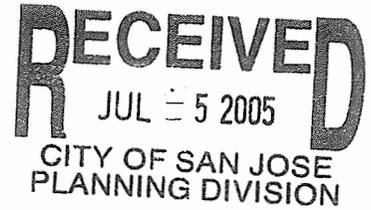
Should not all of the areas within the CVSP have alternative uses and strategies studied before sealing each area's fate (i.e., north, mid, Greenbelt)?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Mary Marchese

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley, please find the issue below which I wish addressed in the CVSP EIR process:

How can a property that is located in the City of San Jose, within the Greenbelt area, be forbidden from receiving City services, i.e., sewer, water, power, police, fire, even if the ownership is willing to pay for such services?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Mary Marchese

RECEIVED
JUN 30 2005
CITY OF SAN JOSE
PLANNING DEPARTMENT

Post Office Box 2957
Saratoga, California 95070-0957

June 28th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley, please
find the issue below which I wish addressed in the
CVSP EIR process:

Is the property more commonly referred to APN
725-02-018, APN 725-02-019, APN 725-02-022, APN
725-02-023, APN 725-03-001 and APN 725-03-002
not subject to the Greenline as it was zoned prior
to the passing of the initiative that sealed the
fate of the Greenbelt and prohibits further develop-
ment?

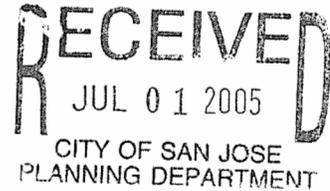
Isn't the zoning that has been in place for over
forty years grandfathered into the overall plan?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Chris J. Marchese

Post Office Box 2957
Saratoga, California 95070-0957



June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
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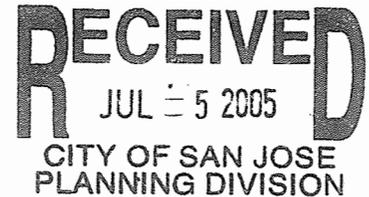
When will a final decision be made that determines
who will administer the Greenbelt?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Chris J. Marchese

Post Office Box 2957
Saratoga, California 95070-0957



June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PPo5-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
please find the issue below which I wish addressed
in the CVSP EIR process:

What City benefits will be had by those properties
within the Greenbelt that have been annexed into the
City of San Jose since the mid 1960's? What will
change due to the CVSP being implemented?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Chris J. Marchese

Post Office Box 2957
Saratoga, California 95070-0957

RECEIVED
JUL 5 2005
CITY OF SAN JOSE
PLANNING DIVISION

July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR
Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
please find the issue below which I wish addressed
in the CVSP EIR process:

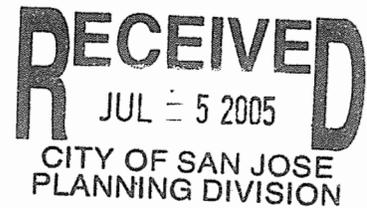
What is the purpose of the Greenbelt?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Chris J. Marchese

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley, please find the issue below which I wish addressed in the CVSP EIR process:

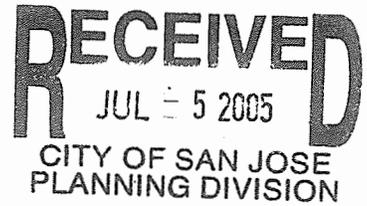
There are several septic systems within the Green-belt. Will they not eventually impact the quality of the groundwater within the area?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Chris J. Marchese

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR
Questions and Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
please find the issue below which I wish addressed
in the CVSP EIR process:

If Morgan Hill is so in favor of the Greenbelt
and since they gain benefit from it, why should
they not have to contribute to a fund to insure
its creation?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Chris J. Marchese

Post Office Box 2957
Saratoga, California 95070-0957

June 28th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley, please find the issue below which I wish addressed in the CVSP EIR process:

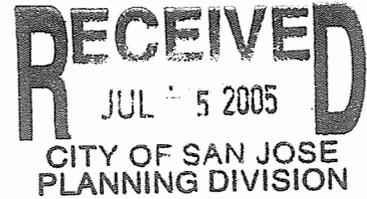
If the Greenbelt area is such a vital portion of the CVSP and makes up almost half the amount of acres, how could the Greenbelt not be provided services to combat the repercussions from the development to the north?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Elizabeth Hirata

Post Office Box 2957
Saratoga, California 95070-0957



June 27th, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and
Comments

Dear Mr. Boyd:

As a property owner within the Coyote Valley,
please find the issue below which I wish addressed
in the CVSP EIR process:

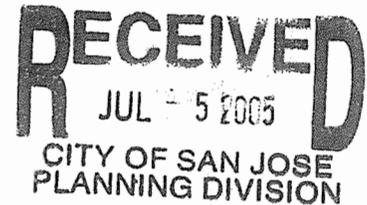
If reclaimed water is going to be permanently piped
into the Greenbelt in order to promote agricultural
irrigation, why can't fresh water be piped into the
Greenbelt as well?

Please include this question within the EIR process
and provide us with written acknowledgement of the
same and answer when applicable.

Sincerely,

Elizabeth Hirata

Post Office Box 2957
Saratoga, California 95070-0957



July 1st, 2005

The City of San Jose
Attention: Mr. Darryl Boyd
801 North First Street
Room 400
San Jose, California 95110-1795

Re: File No. PP05-102-CVSP EIR Questions and Comments

Dear Mr. Boyd:

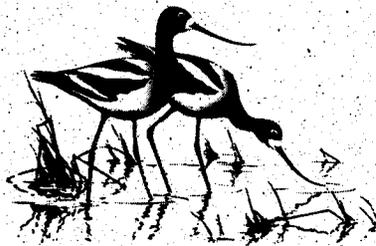
As a property owner within the Coyote Valley, please find the issue below which I wish addressed in the CVSP EIR process:

The Greenbelt really provides a regional benefit. Should not the region be responsible for the procurement and operation of the Greenbelt?

Please include this question within the EIR process and provide us with written acknowledgement of the same and answer when applicable.

Sincerely,

Elizabeth Hirata



Santa Clara Valley Audubon Society
Founded 1926

RECEIVED
JUL 12 2005
CITY OF SAN JOSE
PLANNING DEPARTMENT

Friday, July 1, 2005

City of San Jose
Attn: Darryl Boyd
801 N. First St., Room 400
San Jose, CA 951100-1795

Re: Coyote Valley Specific Plan Project

Dear Mr. Boyd:

I am writing you today on behalf of our 1,083 members in the city of San José. As you know, the Santa Clara Audubon Society is a non profit organization with the mission of Preserving, enjoying, restoring and fostering public awareness of native birds and their ecosystems. Through this letter we want to formally communicate our firm opposition to the proposed development of the Coyote Valley. We believe that smart growth for the City of San José starts within the existing city limits and should be mainly accomplished through redevelopment. By taking this position, we do not believe we are taking a radical role against development; on the contrary, we are making you aware of the fact that other alternatives exist, such as the reinvention of Central San Jose/North First Street. Please consider the following comments in your preparation of the Environmental Impact Review for the Coyote Valley Specific Plan Project.

✓ The Santa Clara Valley Audubon Society will not agree to an Environmental Impact Report (EIR) of this project before having the County's Habitat Conservation Plan (HCP) in place and considered in this EIR. We support the development of this HCP, and are willing to contribute our time and expertise for its completion; but it needs to be used on habitat impact analyses for developments in Santa Clara County, and particularly Coyote Valley. We will also require that a Recovery Plan is put in place, as part of the required mitigations.

✓ The San José General Plan established "triggers" in order to move the city forward in a very rational way. We would like to see this Project and any development project in San José follow these established requirements. In other words, we will firmly oppose any amendments to the General Plan that intend to avoid meeting the previously established triggers. If the current requirements are not followed, not only will the CVSP not make sense, but it will also obstruct future projects' feasibility, such as the development of the BART extension. Please refer to Attachment I, a letter sent to Susan Walsh on March 4 of the current year.

✓ The NOP refers to the development of a Greenbelt in the southern part of this Valley. We agree on the importance of establishing a low-density region between Central and South Coyote Valley to provide a "transitional buffer"; and thus, prevent ecological degradation of the existing agricultural land in this corner of the Valley. We also encourage the City of San

22221 McClellan Road, Cupertino, CA 95014 • Phone: 408-252-3747 • Fax: 408-252-2850

e-mail: scvas@scvas.org • www.scvas.org



José to take an active role with regards to the development of this Greenbelt. Please consider a letter sent to Mayor Ron Gonzalez and members of the Coyote Valley Specific Plan Task Force on July 12, 2004 as part of my comments on agricultural preservation in this NOP. Included as Attachment II, for your reference.

✓ SCVAS would also like to see more precise information about the density of each region in North and Central Coyote Valley. This will help us understand the potential "open space development" or "cluster developments" resulting from this project, which affects storm water runoff.

✓ The mixed-use element is one of the most important principles for a smart growth area, yet only 4.8% of residential units in this project are in a mixed-use zone. There are at least 23,750 residential units in single use zones, creating an imbalance with mixed-use zones. Balanced regions have an impact to habitats and water quality, since these developments have the potential to use infrastructure more efficiently, and require less pavement.

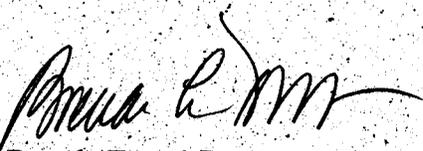
✓ The restoration of the Fisher Creek is included as part of this Plan. We encourage the City of San José to consider Greenbelt Alliance's *Getting It Right* proposal as an alternative with regards to this restoration project.

✓ As part of the "Utilities and Service Systems", the EIR should be very specific on the development and management of solid waste generated as a result of this new town.

The Santa Clara Valley Audubon Society truly hopes that the City of San José will follow our recommendations and work hard to develop a green infrastructure in San José. Smart growth is not just a pretty concept; but it is the result of a comprehensive effort and a series of direct incentives for developers and landowners. Austin, Texas has enjoyed great results from its "Smart Growth Matrix Program". The City of San José's opportunity is in your and our hands.

Thank you for allowing me to comment on this Project. Please send me a copy of the EIR and other project documents at your earliest convenience.

Cordially,



Brenda Torres-Barreto, MEM
Executive Director

xc.
CVSP Task Force Members
SCVAS' EAC members
SCVAS BOD
SCVAS Members (San José residents only)



Santa Clara Valley
Audubon Society
Founded 1926



SIERRA
CLUB
FOUNDED 1892

Loma Prieta Chapter



COMMITTEE FOR
GREEN FOOTHILLS

March 4, 2005

Susan Walsh
San Jose Planning Staff
Fax (408) 277-3250

Dear Susan:

We are responding to your request for comments on the CSVP EIR/Alternatives approach, due March 4, 2005. We are very pleased that San Jose is developing a list of alternatives prior to the official scoping process for the EIR. This is a critical step in offering a more inclusive and constructive approach to ensuring that the EIR will consider the full range of reasonable alternatives that can meet both political and environmental criteria. These comments focus on the alternatives, and we will provide general EIR comments as the process moves forward.

Not only does CEQA require the City to consider the full range of reasonable alternatives, it also establishes the public expectation that a true set of choices is provided, not one that locks decision-makers into a single entity's preferred alternative. We have seen many poorly designed EIRs and offer the following advice to help San Jose ensure that they avoid making these mistakes.

Politically-unrealistic EIRs are ones that contrast the preferred alternative with options that have no chance of being chosen. In this case, one option will be created that is so grossly out of scale with the project concept that the preferred alternative looks good by comparison. Another option will be so small that it will not accomplish the project objectives, also making the preferred alternative appear reasonable. A third option could be provided that so thoroughly skews the project concept that it will be seen as clearly unacceptable.

Minor variations only EIRs typically propose a preferred alternative and two other alternatives that differ only somewhat from the preferred alternative, with one being slightly more developed and the other being slightly less developed.

We fully expect the alternatives to be presented in the Coyote Valley EIR will offer a range from a maximally environmentally friendly approach to one that would be viewed with less enthusiasm by the environmental community. Given the reduced pressure for development that the city and county are currently experiencing it is an opportune time for a more thorough and reasoned approach to planning for Coyote Valley.

We offer the following two additional alternative concepts for your consideration:

Central San Jose/North First Street development instead of Coyote Valley: there are two variations on this option. First, the City could consider proposals that are currently under discussion to provide additional jobs and housing in Downtown San Jose and North First Street as a substitute for the proposal to put over 50,000

Susan Walsh
March 4, 2005

jobs and 25,000 homes in Coyote Valley. City staff has said that in thirty years or more there will be a need for office space that exceeds the proposals discussed for Central San Jose (including North First Street). We do not believe the City needs more than ten years to plan future development, so whatever need the City currently speculates it will develop in 20 to 40 years does not justify eliminating the option now of preserving Coyote Valley as a rural area. The City should keep its option open of preserving Coyote Valley until it knows that option no longer makes sense, rather than rushing now to embrace unneeded sprawl.

If for some reason the City believes it cannot use the existing proposals for Central San Jose as an alternative to Coyote Valley, it could consider as a variation of this alternative that the 50,000 jobs and 25,000 homes be added to Central San Jose in addition to the currently proposed development. The level of development the City suggested would accompany BART's extension to downtown San Jose would likely have been far greater than adding Coyote-Valley level of development to current proposals, so this would not constitute an unreasonable proposal.

The City could consider either using existing proposals or new proposals in Central San Jose as alternatives to Coyote Valley, and it could also consider both in the EIR as separately-considered alternatives.

Delayed-start Coyote Valley: this option would anticipate eventual build-out of Coyote Valley, but acknowledge that Central San Jose should take priority.¹ This would involve changing the "triggers" in the General Plan either by adding a fixed date before the Specific Plan, annexation, and residential construction would come into effect, or by adding new triggers to the existing ones, with the new triggers requiring substantial levels of additional development occur first in Central San Jose.

In addition to the above alternatives, we continue to support consideration of an alternative based on Greenbelt Alliance's *Getting It Right* proposal. Failing to include these reasonable alternatives would substantially impair planning for Coyote Valley and could result in an EIR that violates CEQA by failing to provide a reasonable range of alternatives. We urge the City to include them. Please contact us if you have any questions.

Sincerely,

<signed>

Brian A. Schmidt
Legislative Advocate, Santa Clara County

<signed>

Brenda Torres-Barreto
Executive Director
Santa Clara Valley Audubon Society

<signed>

Melissa Hippard,
Director
Sierra Club Loma Prieta Chapter

¹ Our support for considering this alternative does not change our basic position that Coyote Valley should not be developed.



COMMITTEE FOR
GREEN FOOTHILLS



Santa Clara Valley
Audubon Society
Founded 1926



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FOUNDED 1892

Loma Prieta Chapter

Mayor Ron Gonzales &
Members of the Coyote Valley Specific Plan Task Force
San José City Hall
801 North 1st Street
San Jose, CA 95110

July 12, 2004

Dear Mayor Gonzales & Task Force Members:

On behalf of our organizations, the South Bay's four leading conservation groups, we would like to share our views on how two key issues must be treated as the Coyote Valley Specific Plan EIR process moves forward. These issues are the preservation of agricultural lands and balancing housing supply with future job creation in Coyote Valley. Both of these issues are matters of regional significance. The four conservation organizations discuss these two issues not necessarily to address the overall wisdom of planning for development in Coyote Valley. Rather, the purpose of this letter is to point out specific actions that we feel are essential to the Specific Plan process that have not yet been adequately addressed.

Agricultural Preservation

As it exists today, Coyote Valley is one of the last remaining vestiges of Santa Clara County's agricultural heritage. If development moves into Coyote Valley, it will lead to the loss of more than 2,000 acres of agricultural land. Our organizations want to ensure that the City makes every effort possible to preserve agricultural land in the valley through compact and efficient design that minimizes the urban footprint and specific efforts to preserve the Coyote Valley Greenbelt. We firmly believe that failing to analyze how the City can maximize acreage remaining in sustainable agricultural production would violate the City's legal obligations under the California Environmental Quality Act.

From the City's own stated position in support of agriculture, the preservation of farming constitutes a core component of the purpose and need for this project. The Preferred Alternative selected by the City for the EIR, or all the action alternatives, should analyze whether farming can succeed if the City makes a commitment to foster specialty farming that is both economically viable and appropriate for the urban edge. The EIR alternatives should analyze whether encouraging agriculture of this type will contribute to the unique identity of Coyote Valley and help make the future community a desirable place for people to live and work. For details on the urban edge agriculture we propose for incorporation into the EIR alternatives,

please refer to Greenbelt Alliance's vision for Coyote Valley, *Getting It Right: Preventing Sprawl in Coyote Valley*.

The Preferred Alternative and other action alternatives discussing agricultural preservation must do so with sufficient specificity. Just as the creation of a vibrant urban community cannot be left to chance, the establishment of a profitable zone of urban edge farms cannot be achieved simply by blocking an area off on a map. As part of the Preferred Alternative, and other alternatives, resources should be dedicated to drafting an "agricultural preservation element" of the Specific Plan. This element would survey the agricultural lands of Coyote Valley for opportunities, explore the economics of urban edge agriculture and examine the public policy tools that will be necessary to help urban edge agriculture thrive. Key stakeholders including Santa Clara County, existing Coyote Valley farmers, potential future Coyote Valley farmers and other land owners should be engaged in this portion of the planning process.

As part of the environmental review process, a target amount of agricultural land to be maintained should be established. The City of San Jose should examine a policy where for every acre of land that is slated for development, an acre of agricultural land is targeted for preservation. A similar policy was recently adopted by the City of Gilroy. Such a policy would provide a significant incentive to keep development in Coyote Valley to as small a footprint as possible (*Getting It Right* demonstrated that the City's development targets can be met using as little as 2,035 acres).

To help ensure agricultural preservation efforts in Coyote Valley can be successful, we strongly encourage the City of San Jose to immediately impose a development moratorium for acreage within the Coyote Valley Greenbelt that is under the City's jurisdiction. This moratorium should remain in effect until the Specific Plan, and its associated environmental review process, is complete. Such a moratorium, would prevent the approval of development within the Greenbelt that is not compatible with urban edge agriculture while an agricultural preservation plan is being drafted. Considering the vast majority of the Coyote Valley Greenbelt is under the jurisdiction of Santa Clara County, we also recommend that the City work with Santa Clara County to establish a similar moratorium for Greenbelt lands under Santa Clara County's jurisdiction.

Jobs-Housing Balance

On the jobs-housing balance issue, San Jose's plan for 25,000 housing units and 50,000 primary jobs will create demand for more than 10,000 units that will not be satisfied by the planned level of residential development in the Valley. If there is not a plan to accommodate these units in Coyote Valley or elsewhere in San Jose, this "housing deficit" will generate growth pressure on the communities of Morgan Hill and Gilroy, as well as in San Benito and Monterey Counties. The lack of a plan to accommodate these 10,000 units could also cause growth pressure and push housing prices upward in San Jose itself. If San Jose is to meet its commitment of considering methods to minimize sprawl impacts through the Specific Plan process, this matter must be addressed.

San Jose has a well deserved reputation as a regional leader at providing both housing and jobs. The City should endeavor to maintain this reputation. As such, the Preferred Alternative, and other action alternatives in the EIR, must plan for and satisfy all the housing demand generated by industrial development in Coyote Valley. The high level of industrial development will result in demand for over 35,000 dwelling units, when one includes the fact that non-working

households will also result from the industrial development in Coyote Valley, through retirements and transitional unemployment. The EIR review should also consider whether the 1.6 jobs-per-household figure that applies for San Jose as a whole would apply in Coyote Valley, or whether a smaller jobs-to-housing ratio is more realistic.¹ The alternatives proposing housing sufficient to meet all the demand generated could provide that housing either in Coyote Valley or elsewhere in San Jose. The key aspect of such alternatives is that they actually provide the housing, rather than relying on existing housing stocks to meet increased housing demand.

* * *

Considering that "smart growth" is a central goal of the City's planning for Coyote Valley, the failure by the City to properly address agricultural protection and housing demand as discussed above would be a significant shortcoming. Adequately addressing these issues also does not, by itself, mean the EIR process will be legally adequate, but we hope through this letter to give the City the opportunity to avoid legal flaws by failing to provide an adequate analysis.²

Sincerely,



Tom Cronin
Executive Director
Committee for Green Foothills



Tom Steinbach
Executive Director
Greenbelt Alliance



Craig Breon
Program Director
Santa Clara Valley Audubon Society



Melissa Hippard
Conservation Director
Sierra Club Loma Prieta Chapter

¹ We note the City's consultant, Doug Dahlin, recently stated that the estimate for the number of schoolchildren expected to reside in Coyote Valley should be adjusted to reflect the different sizes and kinds of dwelling units that will be built. The same type of analysis should be applied to estimating the jobs-per-household ratio.

² The City could choose to at the outset to include the above provisions in its Specific Plan document, not just in the EIR description of alternatives and alternative analysis. Such inclusion would also avoid the legal flaw of failing to consider appropriate and reasonable provisions in its alternatives analysis.

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CITY OF SAN JOSE
PLANNING DEPARTMENT



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-6528

July 13, 2005

In response refer to:
SWR/F/SWR3:MEM

Mr. Darryl Boyd
Principal Planner
City of San Jose
801 North First Street, Room 400
San Jose, California 95110-1795

Dear Mr. Boyd:

Thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Coyote Valley Specific Plan Project (Plan). Although the current landscape in Coyote Valley is primarily agricultural, the Plan will guide development of the Coyote Valley into a community of 70,000 to 80,000 residents and support 50,000 jobs. The Plan includes industrial, office, residential, retail, and mixed use development. It would relocate Fisher Creek, returning the creek to its likely historic channel. It would also require new bridges spanning Coyote Creek and its riparian corridor. During development of the Plan, NOAA's National Marine Fisheries Service (NMFS) has provided technical assistance to the Technical Advisory Committee, and to the Biology and Water Subcommittees, and has attended stakeholder meetings since early 2003.

Our review of the proposed Plan has raised a number of concerns that the Environmental Impact Report (EIR) should address. Issues of concern to NMFS include compliance with the National Environmental Protection Act and the Endangered Species Act, the development of alternatives that are protective of the natural stream processes, hydrology, and riparian habitats of Fisher Creek and Coyote Creek, and stormwater management, including downstream effects such as nutrient or pollutant loading and the release of non-native aquatic species. In addition, NMFS is aware of the opportunity and need for coordination with the concurrent Habitat Conservation Planning effort for Santa Clara County.

1. Compliance with the National Environmental Protection Act

The Notice of Preparation states that an EIR will be prepared in accordance with the California Environmental Quality Act (CEQA). At a meeting on June 2, 2004, representatives of the U.S. Army Corps of Engineers (Corps), indicated that if the City applied for individual permit from the Corps for impacts to Clean Water Act section 404(b)(1) waters of the United States, an



Environmental Impact Statement (EIS) could be required in order to comply with the National Environmental Protection Act (NEPA). The significance of the effects of the Plan to the quality of the human environment in the Coyote Valley, and the need for compliance with Clean Water Act and the Endangered Species Act, indicate a combined EIR/EIS would be appropriate. NMFS recommends that the City prepare a joint CEQA/NEPA document. Integration of these documents would be consistent with Council on Environmental Quality regulations, and would expedite local, state and Federal permitting.

2. Compliance with the Endangered Species Act

Because the Plan may affect listed species, including threatened Central California Coast steelhead (*Oncorhynchus mykiss*), the Corps also indicated at the June 2, 2004, meeting that programmatic section 7 consultations with NMFS and the U.S. Fish and Wildlife Service and mitigation may be required. Consultation will require sufficient detail to determine the effects to listed species, and the City must disclose, and take measures to avoid and minimize, potential adverse effects resulting from direct, indirect, and cumulative effects of the Plan.

3. Development of alternatives that are protective of Fisher and Coyote Creeks

The Conceptual Land Use Plan (Figure 4) provided in the Notice of Preparation indicates high, medium and low density commercial and residential development east of Monterey Highway. This development is immediately adjacent to the already narrow riparian corridor along Coyote Creek. An alternative that avoids the riparian corridor, particularly along the Coyote Creek Parkway, should be developed. As suggested at a meeting on August 19, 2004, the area between Monterey Highway and the Coyote Parkway could be designated greenbelt and left undeveloped.

The environmental documents should analyze the effects of bridges and roadways proposed that will cross the riparian habitat or creeks. Alternatives that will minimize creek crossing should be developed. These alternatives should be designed to maintain natural stream processes, water quality, and riparian habitat.

Relocation of Fisher Creek to what is thought to be its historic channel may have beneficial effects.

However, riparian vegetation that has developed in the current channel would be lost, and the environmental documents should analyze the temporal loss of this habitat as new plantings will take many years to provide similar habitat functions to the relocated creek. The EIR should also analyze the effects of relocating the flow to a channel where riparian vegetation will not mature for some time. For example, higher water temperatures could result.

Groundwater pumping to support the new development may affect stream flows and riparian habitat, particularly in dry years. The environmental documents should analyze the potential effects to both Fisher and Coyote Creeks, and outline how normal flows will be ensured.

4. Stormwater management

The Plan includes various components to provide detention and flood protection. The most prominent component of the stormwater management plan is the proposed Coyote Valley Lake, to

be constructed as a focal feature of the community. The lake will have a surface area of approximately 50 acres and a capacity of approximately 250 acre-feet of water. The lake will drain to Fisher Creek, potentially impacting Fisher Creek and Coyote Creek. The lake may retain sediments, nutrients, or other pollutants, that would be released to the creek, resulting in degraded water quality. The Water Subcommittee has suggested that management of water quality in the lake may require use of algacides or other chemicals that could be released into the creeks. They have also outlined the potential for the lake to be stocked with non-native fish for mosquito control and/or recreational fishing. The EIR should analyze the potential for the introduction of non-native fishes into the creeks, and potential adverse effects to native fish or their prey species. In addition, alternatives that do not depend on the constructed lake for stormwater management, or depend on a smaller, more manageable, water body should be developed

The Plan area is regulated under a National Pollutant Discharge Elimination System permit issued by the San Francisco Bay Regional Water Quality Control Board. That permit lists a series of numeric sizing criteria from which the discharger may select for sizing the facilities in their stormwater program. Please describe which numeric sizing criteria methodology was chosen for the Plan and how the proposed development will fulfill this criterion.

Other best management practices (BMPs) and stormwater structures should also be used throughout the Plan area to improve the stormwater quality before it reaches the discharge point. Potential examples of these BMPs include grassy swales to remove some constituents, permeable pavements to allow for infiltration of stormwater from areas such as parking lots, drop inlet filters to remove petroleum products, etc. Please inform us as to your plans to control stormwater pollution in the development prior to the point of its discharge into the detention facility. Please be clear who is responsible for the maintenance and monitoring of these facilities.

A hydromodification management plan final report was issued recently (dated April 21, 2005) by the Santa Clara Valley Urban Runoff Pollution Prevention Program. Please clarify if and how the proposed development is being designed and built to be compliant with this plan.

Endangered Species Act

Available information indicates that threatened Central California Coast (CCC) steelhead occur in the Plan area (August 18, 1997, 62 FR 43937). On December 10, 2004, NMFS proposed designating Coyote Creek as critical habitat for CCC steelhead (69 FR 71880). Listed CCC steelhead are present in Coyote Creek but Fisher Creek was not proposed for designation because a barrier near the confluence with Coyote Creek prevents anadromy. In addition, flows in the creek are ephemeral and thus it would not support summer rearing habitat for juvenile steelhead.

The U.S. Fish and Wildlife Service (USFWS) may also have listed species or critical habitat under its jurisdiction in the Plan area. Please contact Mr. Harry Mossman at USFWS, 2800 Cottage Way, W-2605, Sacramento, California 95825, or (916) 414-6600, regarding the presence of listed species or critical habitat under USFWS jurisdiction that might be affected by your Plan.

Magnuson-Stevens Act - Essential Fish Habitat

The Plan site along Coyote Creek is located within an area identified as Essential Fish Habitat (EFH) for various life stages of fish species managed with the Pacific Coast Salmon Fishery Management Plan under the Magnuson Stevens Fishery Conservation and Management Act (MSFCMA).

Amendments to the MSFCMA in 1996 require Federal agencies to consult with NMFS regarding any action or proposed action that may adversely affect EFH for federally-managed fish species. For more information on EFH, see our website at "<http://swr.nmfs.noaa.gov>". Please send an EFH assessment to NMFS if the Federal Lead Agency determines that the action may adversely affect EFH for any species in the Pacific Coast Salmon Fishery Management Plan.

My staff is available to work with you to develop alternatives and resolve key issues prior to the release of draft or final Plan documents.

If you have questions concerning these comments, please contact Maura Eagan Moody at (707) 575-6092, or by email at: maura.e.moody@noaa.gov.

Sincerely,



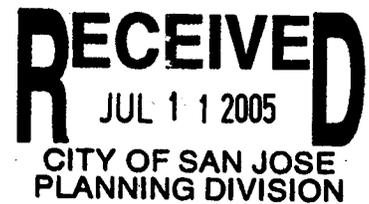
Dick Butler
Santa Rosa Area Office Supervisor
Protected Resources Division

cc: ARA-PRD, NMFS, Long Beach, California
Jane Hicks, Corps Regulatory, San Francisco, California
Ryan Olah, U.S. Fish and Wildlife Service, Sacramento, California
Luisa Valiela, U.S. Environmental Protection Agency, San Francisco, California
Jan O'Hara, Regional Water Quality Control Board, Oakland, California
Paul Amato, Regional Water Quality Control Board, Oakland, California
David Johnston, California Department of Fish and Game, Yountville, California
Elish Ryan, Santa Clara County Parks, San Jose, California



LOGAN & POWELL LLP
ATTORNEYS AT LAW

Robert J. Logan, Of Counsel



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Sent Via Facsimile and U.S. Mail
July 1, 2005

Mr. Darryl Boyd
City of San Jose
801 North First Street, Room 400
San Jose, CA 95110-1795

**Re: Coyote Valley Specific Plan Project
Notice of Preparation of a Draft Environmental Impact Report ("NOP")**

Dear Mr. Boyd:

This letter is sent on behalf of the Morgan Hill Unified School District ("District"). The Coyote Valley falls within the jurisdictional boundaries of the District. Based on the brevity of detail on school facilities in the NOP, the District wants to ensure that the impacts of this project on the District be addressed fully in the Draft Environmental Impact Report ("DEIR"). Upon review of the Notice of Preparation of the DEIR for the Coyote Valley Specific Plan Project, the District notes the following deficiencies which must be addressed in the DEIR.

Proposed School Sites

Although not specifically detailed in the NOP, the number of schools proposed for Coyote Valley must be addressed in the DEIR. Over the past several months, the school district and the City have formed the Coyote Valley School Facilities Sub Committee ("CVSFSC") to meet and discuss the number of schools, grade level configuration and loading standards. Due to the fact that this project, as proposed, will double the size of Morgan Hill Unified School District, it is critical that the correct number of schools is appropriate for the success of the students. The SVSFSC has agreed on the following issues:

- Student generation rates that reflect the need for ten (10) elementary schools (K-6), two (2) middle schools (7-8) and one (1) to two (2) high schools (9-12)
- The other agreement that was recently reached was that we would use the district standards of K-6 for elementary schools, 7-8 and 9-12 for high schools. Each elementary school will be loaded at 600 students, the middle

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schools at 800 students and the size of the high school(s) will be determined by the SVSFSC.

The subcommittee has also agreed that the size of school campuses in Coyote Valley will be consistent with the Morgan Hill Unified School District standards. Elementary Schools sites must consist of ten (10) acres, middle schools must consist of fifteen (15) acres. The SVSFSC continues to work together to finalize number of acres required for the high schools. To provide any less land for the schools in Coyote Valley would be inconsistent with the requirements of Title 5, § 14000 et seq. of the California Code of Regulations and the 2000 Edition, "School Site Analysis and Development" published by the California Department of Education¹ and would result in inadequate public facilities to accommodate the people in Coyote Valley. Based on the agreement reached by the SVSFSC, the DEIR must address the environmental impacts of the public facilities as agreed to by the SVSFSC.

Adjacent Park Land

Again, although not specifically explained in the NOP, it has previously been mentioned that the District and the City of San Jose would share parkland. If this is in fact the proposal, it must be addressed in the DEIR. The sharing of parkland will have a significant impact of public facilities and parkland which must be addressed. Similarly, the ownership of the parkland must be addressed. In order to obtain state funding for the construction of schools, all land on which the school will operate must be owned by the District. Consequently, City parkland must be owned by the District. This ownership issue must be addressed in the DEIR if it is the current proposal for the project.

¹The "School Site Analysis and Development" requires: (a) a minimum of 6.1 useable acres for up to 600 students in grades one (1) through three (3); (b) a minimum of 11.1 useable acres for up to 600 students in grades four (4) through six (6); (c) a minimum of 15.3 useable acres for up to 900 students in grades six (6) through eight (8) (the minimum required increases to 19.9 acres for 1,200 students); and (d) a minimum of 55.7 useable acres for up to 2,400 students in grades nine (9) through twelve (12). These guidelines are strict guidelines which must be followed unless certain circumstances exist which justifies an exception. Those circumstances are outlined in Title 5, § 14010(a) of the CCRs. Those exceptions do not apply in the matter of the CVSP. Accordingly, the minimum standards must be followed. The DEIR must address this issue.

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Transportation

The DEIR must address the traffic impacts associated with the construction of the schools within Coyote Valley. It is probable that students throughout the District, whether in South San Jose or San Martin, will travel to Coyote Valley for their educational needs.

Thank you for the opportunity to raise these issues. If you have any questions regarding these matters, please do not hesitate to contact me.

Very Truly Yours,

Kirsten M. Powell / smw

Kirsten Powell

KMP:sw

cc: Bonnie Tognazzini