

City of San Jose

Coyote Valley Specific Plan

Task Force Meeting #9

151 West Mission Street, Room 202 a and b

Summary of the Meeting of
December 8, 2003

Task Force Members Present:

Councilmember Forrest Williams (co-chair), Supervisor Don Gage, Christopher Platten, Chuck Butters, Craige Edgerton, Dan Hancock, Doreen Morgan, Eric Carruthers, Helen Chapman, Jim Cunneen, Ken Saso, Phaedra Ellis-Lamkins, Russ Danielson, and Steve Speno.

Task Force Members Absent:

Mayor Ron Gonzales (co-chair), Vice Mayor Pat Dando, Gladwyn D'Souza, Neil Struthers and Steve Schott Jr., and Terry Watt,

Community Members Present:

Tim Muller, Steven Kinsella, Roger Costa, Wayne O'Connell, Kerry Williams, Jack Kuzia, Dennis Martin, Fred Roberts, Pauline Seebach, Tom Fraser, Chris Zumwalt, Pat Boursier, Annie Saso, Susan Mineta, Doug Dahlin, Beverly Bryant, Rob Oneto, David Zippin, Andy Lief, and Yoon Lee.

Technical Advisory Committee (TAC) Members Present:

Pat Sausedo, Bobbie Fishler, Jessica Fitchen, Michael Bomberger, Mark Lucca, Beverley Bryant and Bill Smith.

City and Other Public Agencies Staff Present:

Jim Cogan (District 1), Anthony Drummond (District2), Emily Moody (District 2), Keith Stamps (District 2), Denelle Fedor (District 10), Laurel Prevetti (PBCE), Joe Horwedel (PBCE), Sal Yakubu (PBCE), Darryl Boyd (PBCE), Susan Walsh (PBCE), Perihan Ozdemir (PBCE), Bill Miller (SJPD), and Bill Smith (SCVWD).

Consultants:

Jodi Starbird (David J. Powers & Associates), Tom Armstrong (HMH), Jim Thompson (HMH), Tom Fraser (WRA), Chris Zumwalt (WRA), Pat Boursier (HT Harvey), and Chuck Anderson (Schaaf and Wheeler).

1. Welcome

The meeting convened at 5:40 p.m. Co-chair Forrest Williams opened the meeting by welcoming everyone in attendance to the ninth meeting of the Coyote Valley Specific Plan Task Force. He indicated that co- Chair, Mayor Ron Gonzales, was absent because of an official engagement at the Nobel Peace Prize ceremony in Norway. Members of the Task Force then introduced themselves.

2. Acceptance of November 10, 2003 Meeting Summary

Co-chair Forest Williams called for a motion to accept the meeting summary for November 10, 2003. A motion was made to accept the summary, and passed unanimously.

3. Progress Report #8: Biology

Sal Yakubu, a Principal Planner with the City's Department of Planning, Building and Code Enforcement, indicated that the handouts from the last meeting on Traffic and Hydrology Progress Reports were included in the Task Force's meeting packets, and also available for the public at the sign-in table. He introduced Mike Josselyn of Wetlands Research Associates, Inc. (WRA), to present Progress Report #8 on Biology. Mike indicated that his role is to identify existing biological habitats and plant communities, potential habitat for local special status plant and wildlife species, and sensitive biological resources including wetland and riparian areas. He stated that his firm had done this by using a combination of field visits to "accessible parcels" (properties with owner's approval for access), aerial photographs, maps of habitats, and by reviewing existing literature (including the

Natural Diversity Database 2003, existing biological, studies, EIR, and Soils maps). He asked people to feel free to ask any questions at any time in the presentation. The Task Force asked how the biological characteristics of lands that were inaccessible to the consultants could be determined. Mike indicated that with aeriels, soils maps, and previously conducted studies it is possible to determine the existence of certain species and habitats. The Task Force recommended that every effort should be made to obtain access to all of the parcels that are necessary for an accurate evaluation, in order to provide certainty and prevent any future surprises. Mike agreed to work with staff to obtain access when needed. He indicated that the major activity in the study area is agriculture, with a lot of orchards, nurseries, and some rural residential uses. Mike stated that most of the natural habitat is located along the riparian (or creek) corridors, and noted the lack of natural habitat in the Urban Reserve area and Fisher Creek as an important nesting habitat. The Task Force asked about "emergent wetlands." Mike explained that they are generally cattail wetland herbaceous areas with potential for becoming wetland areas. He also explained the distribution of the natural habitats in the study area in the context of the surrounding larger area. Mike indicated that two of the most important plants are the Metcalf Canyon Jewelflower and the Dudleya, which are located in and around the serpentine soils in the surrounding foothill areas but not in the study area. He stated that they have not found any special status plants or wildlife species in the Urban Reserve area. He discussed aeriels showing special status wildlife locations and highlighted the fact that there is California tiger salamander on the outskirts of the area in the vicinity of the Coyote Creek Golf Course. Only one salamander has so far been found in a pond in the North Coyote area, while the California red-legged frog has only been found outside the study area.

In response to Task Force question about a "protocol survey," Mike explained it as a survey for which the US Department of Fish and Wildlife has established certain specific performance guidelines. The Bay Checkerspot Butterfly is found primarily in serpentine soil areas surrounding the study area, but non has been found in the study area since the plants that they feed on are not in the study area. He indicated that additional studies would be done this spring. The California tiger salamander lives in stock ponds and there has been a siting in a pond in the Coyote Creek Golf Course as well as the hills surrounding the study area. There is no suitable breeding habitat for them in the Urban Reserve and it is unlikely that any tiger salamanders will find there since there are a lot of bullfrogs (which are one of their biggest predators) along the creeks. There has been one siting of Burrowing Owls in the North Coyote area just south of Bailey Avenue. However, there exist a few potential habitat areas with several squirrel burrows where the owls generally live. WRA has not seen any real burrowing owl activity in the study area to date, not even during extensive field visits in July. However, a burrowing owl was previously sited on the west side of the foothills outside of the study area.

With regard to wetlands, Mike indicated the existence of a few focused locations in the study area. The potential wetland areas, which were illustrated shown on a map, are generally low lying areas. Wetland Research Associates will continue to monitor these areas. Mike also spoke about ponds and other riparian areas (shown in blue), including Coyote Creek and Fisher Creek and their tributaries. These ponds and riparian areas are considered waters of the U.S., and any proposed

development or disturbances that affect them require a permit from the Army Corps of Engineers. The Task Force asked about when a permit might be required. Mike explained that if a proposed development has any effect on these protected waters (such as filling or dredging) the property owner might be required to obtain any number of permits from the Army Corps of Engineers. The primary role of the Army Corps of Engineers is to preserve and protect wetland areas by reviewing any proposed development to assess potential impacts, develop mitigation measures, and develop alternatives to minimize the potential impacts to wetland areas.

In summary, Mike indicated that the majority of Coyote Valley is in agriculture and rural residential land use, there are no documented special status plant or wildlife species in the study area, and that there are potential wetlands located in a few focused locations. He identified future tasks to include wetland delineation in accessible locations, California tiger salamander surveys, a rare plant survey in the spring, and the exploration of mitigation opportunities in the study area.

The Task Force asked for an explanation of “movement corridors” for animals such as deer, fox, and mountain lions. Mike explained that the migration corridors for animals are usually located along the riparian (or creek) corridors and he indicated that the protection of these corridors is very important to the U.S. Fish and Wildlife Department, and should be taken into consideration by the Coyote Valley Specific Plan. As an example, he explained that the State has bought land in the Simi Valley area to protect the mountain lion, bobcat, and deer migration corridors. He also referenced an important study called the “South Coast Missing Linkage Study” that has been prepared for the Bay Area.

The Task Force asked about the possibility of finding other species when access is acquired to currently inaccessible properties. Mike stated that any new findings of amphibians and other species were not likely, with the Burrowing Owl being the only species that may be found.

4. Hydrology (Progress Report #7) Update

Chuck Anderson, with Schaaf and Wheeler, was introduced and gave a brief update on the perchlorate contamination, which was found in 2000, as a result of the manufacturing of highway flares at the Olin Corporation’s Tennant Avenue facility from 1956 to 1997. Chuck explained that perchlorate is considered to have adverse health affects, and water suspected to contain perchlorate should be avoided for drinking and cooking (pregnant women and children are especially at risk). The Environmental Protection Agency (EPA) does not yet have a drinking water threshold for perchlorate, but is working to establish one. The California Department of Health Services (DHS) has set an action level for reporting perchlorate in drinking water of four parts per billion (4ppm). DHS is expected to adopt an acceptable drinking water standard for perchlorate in 2004 that will specify the maximum contaminant level.

The Central Coast Regional Water Quality Control Board, whose jurisdiction covers the Tennant Avenue facility, has directed the investigation and the cleanup of the perchlorate contamination

since 2002. Consequently ground water monitoring is ongoing, and on-site groundwater clean-up systems are scheduled to begin in December 2003.

The contaminated area extends from Tennant Avenue to the north to Gilman Road to the south, and from Foothill Avenue to the east to Monterey Highway to the west. It is noted that this area is well south of the Coyote Valley Specific Plan (CVSP) area and poses no imminent threat. Olin Corporation, which is responsible for the contamination, is continuing to test wells to establish the size of the contamination plume. However, the direction of the plume flow is southerly, away from the CVSP area. The contamination and plume are located in a different basin than the CVSP area.

Perchlorate has been detected in three municipal water wells located in Morgan Hill well outside the CVSP. Remedial measures that are being taken include the installation of a perchlorate removal system on one of the wells, a treatment system is ending on another, while the third is out of service. In addition, treatment systems have been installed on wells of a water distribution company in unincorporated San Martin and a second San Marin Company is expected to begin treatment in 2004.

In response to a Task Force question about the method of "clean-up" being employed, Chuck explained it an underground system of bio-remediation (injection of bacteria into the groundwater) that is not visible above ground. The bio-remediation is generally accomplished within a period of two years resulting in water that is safe for drinking.

The Santa Clara Valley Water District (SCVWD) is supporting the investigation and the clean-up efforts and are providing free bottled water and well testing to the affected property owners. While clean up of the Olin site is underway, a remediation plan for the plume is being discussed by the SCVWD and the Regional Water Quality Control Board.

The Task Force indicated that this report was very helpful and that in the future they would like to be kept apprised of the progress of the clean-up effort and any potential impacts on the Coyote Valley Specific Plan.

5. Public Comments

Jessica Fitchen, with the Greenbelt Alliance, asked what the guidelines would be for the land use plan, what the framework would be to review the alternatives and what would the standards be by which the alternatives would be judged. Laurel Prevetti indicated that the City has gone out with the Request for Proposal (RFP) and they have received nine proposals, interviewed six firms, and now have a shortlist of the top four firms who would make brief presentations to the Task Force in January. She indicated that staff is working on a comment card for the Task Force and the public to submit their comments to staff regarding the consultants' presentations. She indicated that it is

an unusual step to get public comments on the consultants, but that this is a high profile project and the City wanted to be sure to include comments from the public as well. Laurel indicated that a variety of alternatives for the Plan would be developed based on the Task Force direction and the City Council Memo, which specifies the City Council's vision for the Coyote Valley Specific Plan. The City is aware that the Greenbelt Alliance is anxious to present their plan to the Task Force and that will happen sometime soon. She indicated that a work program would be submitted to the task Force soon, and once the consultant is selected we will be able to see when the best time for the Greenbelt Alliance presentation will be. She indicated that the goal is still to complete the Plan by December 2005.

Laurel explained that each of the four consultants would be coming at a separate scheduled time to make a 15-minute presentation on their approach to the Coyote Valley Specific Plan. The role of the task Force will be to provide comments to staff to help staff in making the final determination on the consultant selection.

The Task Force requested that a brief biographical summary of each firm be provided to members prior to the January 12 meeting. Laurel concurred, and also indicated that it would be very important for the Task Force to review the 2002 City Council Memo, which explains the vision for the Plan, prior to the next meeting. She stated that designing for smart growth and transit-oriented development is not optional. It is a requirement that has to be fulfilled, as specified in the Council's Vision and Expected Outcomes statement for the Coyote Valley Specific Plan.

The Task Force indicated that they would like staff to provide them with some criteria for the selection and that they would like to discuss the criteria and the Vision statement before the consultant's presentation. Laurel explained that they would not be required to make a selection but that staff would make the selection and that the Task Force's role would be to provide feedback to staff on the consultant's communication style and their approach to the development of the Plan.

Co-chair Forrest Williams concluded the meeting by wishing everyone a good holiday season and reminded the Task Force that their homework before the next meeting is to review the Council's Vision and Expected Outcomes statement for the Plan.

6. Adjourn

The meeting was adjourned at about 7:35 p.m. The next meeting is scheduled for January 12, 2004, and the one following meeting will be February 9, 2004.