

FIRST AMENDMENT TO THE  
DRAFT PROGRAM  
ENVIRONMENTAL IMPACT REPORT  
FOR THE

# Envision

## San José 2040



**GENERAL PLAN**



September 2011



**FIRST AMENDMENT TO THE DRAFT PROGRAM  
ENVIRONMENTAL IMPACT REPORT  
FOR THE**

# **Envision**

## **San José 2040**

### **GENERAL PLAN**

**State Clearinghouse Number  
2009072096  
File Number: PP09-011**



**September 2011**

9/16/2011

Ladies and Gentlemen:

**SUBJECT: FIRST AMENDMENT TO THE DRAFT PROGRAM ENVIRONMENTAL  
IMPACT REPORT FOR THE ENVISION 2040 GENERAL PLAN  
UPDATE EIR, FILE NO. PP09-011**

The Planning Commission of the City of San Jose will hold a Public Hearing to consider the Final Environmental Impact Report (FEIR) prepared for the project described below. A copy of the First Amendment to the Draft EIR is attached for your review. Together, the First Amendment and the Draft EIR constitute the Final EIR for the project.

***Project Description:***

Envision San Jose 2040 General Plan and Environmental Impact Report, File No PP09-011: The Envision Plan is a proposed comprehensive update of the City's current Focus on the Future San Jose 2020 General Plan, adopted by the City Council in 1994. The Envision Plan update addresses all geographic areas contained within San José's Sphere of Influence and also incorporates goals and policies for a wide variety of municipal services provided by the City. **Council District: Citywide**

1) Rancho del Pueblo Residential Option (Original File No. GP10-05-01): To change the Envision General Plan Land Use/Transportation Diagram designation from Open Space, Parklands and Habitat (City-owned golf course) to Mixed Use Neighborhood (up to 30 DU, FAR 0.25 to 2.0) on the approximately 31-acre site (Rancho del Pueblo site) located on the west of King Road, approximately 200 feet south of San Antonio Street. If approved by the City Council, this request would allow future development of the property with up to 570 residential units instead of recreational uses currently proposed in the Draft Envision San Jose 2040 General Plan. **Council District: 5; SNI: Gateway East**

2) iStar Residential Option (Original File No. GP07-02-01): To change the Envision General Plan Land Use/Transportation Diagram designation from Combined Industrial / Commercial to Mixed Use Neighborhood (up to 30 DU, FAR 0.25 to 2.0) on the approximately 76-acre site (iStar site) located north of State Route 85, west of Monterey Highway. If approved by the City Council, this request would allow future development of the property with up to 1100 residential units instead of commercial or industrial uses as currently proposed in the Draft Envision San Jose 2040 General Plan.

**Council District: 2**

(over)

Envision 2040 General Plan PEIR  
First Amendment Distribution  
9/16/2011  
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**Planning Commission Hearing: Wednesday, September 28, 2011 at 6:30 p.m.**

The Planning Commission actions/synopsis will be available for review on our web-site 24-48 hrs after the hearing.

Please visit: [www.sanjoseca.gov/planning/hearings/DefaultPC.asp](http://www.sanjoseca.gov/planning/hearings/DefaultPC.asp)

**City Council Hearing: Tuesday, October 25, 2011 at 7:00 p.m. (Current tentative date)**

**NOTE: Likely to be rescheduled to November 1, 2011, Please check website for an update**

Please visit: [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp)

**Contact Person:**

John Davidson  
**Department of Planning, Building & Code Enforcement**  
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San José CA 95113-1905  
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(email) [john.davidson@sanjoseca.gov](mailto:john.davidson@sanjoseca.gov)

Attachment

## PREFACE

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This First Amendment document, together with the Draft Program Environmental Impact Report (Draft PEIR), constitutes the Final Program Environmental Impact Report (Final PEIR) for the *Envision San José 2040 General Plan*. The Draft PEIR was circulated to affected public agencies and interested parties for a 60-day review period from June 17, 2011 to August 15, 2011. This document consists of comments received by the City of San José (the Lead Agency) on the Draft PEIR during the public review period, responses to those comments, and revisions to the text of the Draft PEIR.

In conformance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the Final PEIR provides objective information regarding the environmental consequences of the proposed project. The Final PEIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final PEIR is used by the City and other Responsible Agencies in making decisions regarding the project. The CEQA Guidelines advise that, while the information in the Final PEIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the Draft PEIR by making written findings for each of those significant effects. According to the California Public Resources Code Section 21081, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
  - 1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effect on the environment.
  - 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
  - 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

In accordance with CEQA and the CEQA Guidelines, the Final PEIR will be made available prior to certification of the EIR. All documents referenced in this Final PEIR are available for public review in the office of the Department of Planning, Building, and Code Enforcement located at 200 East Santa Clara Street, San José, California, Monday through Friday from 8:00 a.m. to 5:00 p.m. In accordance with the CEQA Guidelines, the Final PEIR will be made available to the public ten days prior to the EIR certification hearing.

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## **SECTION 1.0      SUMMARY OF DRAFT EIR PUBLIC REVIEW PROCESS**

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The public review period for the Draft PEIR commenced on June 17, 2011 and concluded on August 15, 2011, which constitutes a 60-day review period. A 45-day Draft EIR review period is required under CEQA.

The City undertook the following actions to inform the public of the availability of the Draft PEIR:

- A “Notice of Availability of Draft PEIR” was published in the San José Mercury News, a newspaper of general circulation;
- The Draft PEIR was delivered to the State Clearinghouse on June 17, 2011.
- Electronic copies of the Draft PEIR were sent to various governmental agencies upon request (see Section 2.0 for a list of agencies that received the Draft PEIR);
- An email notice of the availability of the Draft PEIR was also sent to participants in the Envision 2040 process on June 17, 2011.
- Copies of the Draft PEIR were made available at San José City Hall (Public Information Counter) and San José Public Libraries (main and branch libraries) and on-line in the City of San José Environmental Impact Report Library at <http://www.sanjoseca.gov/planning/eir/EIR.asp>.

## **SECTION 2.0 LIST OF AGENCIES, ORGANIZATIONS, BUSINESSES, AND INDIVIDUALS WHO RECEIVED THE DRAFT PEIR OR NOTICE OF AVAILABILITY**

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Copies of the Draft PEIR and/or Notice of Availability for the Draft PEIR were sent to the following governmental agencies, organizations, businesses, and individuals:

### **Governmental Agencies**

#### ***Federal Agencies***

Federal Aviation Administration  
Federal Emergency Management Agency  
Federal Highway Administration  
National Marine Fisheries Services  
National Oceanic and Atmospheric Administration Coastal Zones  
U.S. Army Corps of Engineers  
U.S. Department of Housing and Urban Development  
U.S. Environmental Protection Agency, Region 9  
U.S. Fish and Wildlife Service

#### ***State Agencies***

Assembly Local Government Committee  
California Air Resources Board  
California Department of Food and Agriculture  
California Department of Conservation  
California Department of Finance, Demographic Research Unit  
California Department of Fish and Game, Region 3  
California Department of Forestry and Fire Protection  
California Department of General Services  
California Department of Health Services  
California Department of Housing and Community Development  
California Department of Parks and Recreation  
California Department of Toxic Substances Control  
California Department of Transportation, District 4  
California Department of Transportation, Division of Aeronautics  
California Department of Water Resources  
California Energy Commission  
California Environmental Protection Agency  
California Geological Survey  
California Highway Patrol  
California Resources Agency  
California Office of Historic Preservation  
California Office of Emergency Services  
California Public Utilities Commission  
California Regional Water Quality Control Board, Region 2  
California Seismic Safety Commission  
CalRecycle

Coastal Commission  
Department of Education  
Native American Heritage Commission  
Office of Emergency Management Agency, California  
San Francisco Bay Conservation and Development Commission  
State Historic Preservation Officer  
State Lands Commission  
State Mining and Geology Board  
State Water Resources Control Board

***Regional Agencies***

Airport Land Use Commission  
Alameda County Planning Department  
Association of Bay Area Governments  
Bay Area Air Quality Management District  
CalTrain Planning Headquarters  
County of Santa Clara, Department of Agriculture and Environmental Management  
County of Santa Clara, Department of Environmental Health  
County of Santa Clara, Historical Heritage Commission  
County of Santa Clara, Parks and Recreation  
County of Santa Clara, Planning Department  
County of Santa Clara, Roads and Airports  
LAFCO  
Metropolitan Transportation Commission  
Regional Water Quality Control Board  
San Francisco Public Utilities Commission  
San Mateo County Transit District  
Santa Clara County Fire District  
Santa Clara Valley Transportation Authority  
Santa Clara Valley Water District

***Local Agencies***

City and County of San Francisco  
City of Campbell  
City of Cupertino  
City of Fremont  
City of Gilroy  
City of Los Gatos  
City of Milpitas  
City of Morgan Hill  
City of Mountain View  
City of Palo Alto  
City of Santa Clara  
City of Santa Rosa  
City of Saratoga  
City of Sunnyvale

***School Districts***

Alum Rock Union Elementary  
Berryessa Union  
Luther Burbank  
Cambrian  
Campbell Union High  
Campbell Union Elementary  
Cupertino Union Elementary  
East Side Union High  
Evergreen School  
Foothill/De Anza Community College  
Franklin-McKinley  
Fremont Union High  
Los Gatos-Saratoga Joint Union High  
Los Gatos Union Elementary  
Moreland School  
Morgan Hill Unified  
Mt. Pleasant School  
Oak Grove School  
Orchard School  
Santa Clara Unified  
Santa Clara University  
San Jose City College  
San Jose State University  
San Jose Unified  
University of California, Santa Cruz  
Union  
West Valley Community College

**Organizations and Businesses**

13<sup>th</sup> Street Neighborhood Action Coalition  
Adams, Broadwell, Joseph & Cardozo  
Amah Mutsun Tribal Band  
American Indian Education Center & Resource Library  
AT&T  
Audubon Society  
Barry Swenson Builders  
Bay Area Ridge Trail Council  
Berliner Cohen  
Brooks & Hess  
Burbank Community Association  
California Pilots Association  
California Pioneers of Santa Clara County  
Cargill Salt  
Chinese Historical & Cultural Project  
Coalition for a Downtown Hospital  
Coalition for Responsible Airport Management & Policy

Comcast  
Committee for Green Foothills  
Denise Duffy & Associates  
Delmas Park Neighborhood Action Coalition  
Don Edwards San Francisco Bay National Wildlife Refuge  
Evergreen Resource Conservation District  
Great Oaks Water Company  
Greenbelt Alliance  
Green Valley Corporation  
Guadalupe-Coyote Resource Conservation District  
Heritage Council of Santa Clara County  
Horace Mann Neighborhood Association  
Indian Canyon Mutsun Band of Costanoan  
Japanese American Resource Center  
Kinder Morgan Energy Partners  
LSA Associates, Inc.  
Muwekma Ohlone Indian Tribe of the San Francisco Bay Area  
Naglee Park Campus Community Association  
Native Plant Society  
Norcal Waste Systems, Inc.  
Northwest Information Center, Sonoma State University  
North Willow Glen Neighborhood Association  
Ohlone Indian Tribe  
Open Space Authority  
Pacific Gas and Electric Company  
Peninsula Corridor Joint Powers Board  
Preservation Action Council of San José  
Roman Catholic Diocese of San Jose  
San José Arena Authority  
San José Downtown Association  
San Jose Municipal Water System  
San Jose Water Company  
Santa Clara & San Benito Counties Building and Construction Trades Council  
Santa Clara County Streams for Tomorrow  
Shasta Hanchett Park Neighborhood Association  
Sierra Club  
Silicon Valley Leadership Group  
Silicon Valley Toxics Coalition  
Sourisseau Academy for State and Local History  
South Bay Historical Railroad Society  
Teamsters Local 350  
Tone & Tone Attorney at Law  
Union Pacific Railroad  
University of California Observatories  
Vendome Neighborhood Association  
West Evergreen Neighborhood Action Coalition  
Willow Glen Neighborhood Association

**Individuals**

Jackie Adams  
Michele Beasley  
Gary Chronert  
Pat Colombe  
Harvey Darnell  
Brian Darrow  
Dave Fadness  
Jeffrey B. Hare  
Nancy Ianni  
Burton Jones  
Jakki Kehl  
Shirley Lewis  
Linda Lezotte  
Christopher Platten  
Trina Marine Ruano Family  
Dick Santos  
Rachel Santos  
Erik Schoennauer  
Judy Stabile  
Jim Zito

## SECTION 3.0 LIST OF COMMENT LETTERS RECEIVED ON THE DRAFT PEIR

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Copies of written comments on the Draft PEIR that were received during the public review period are provided in **Section 6.0 Copies of Comments Received on the Draft PEIR**. A list of agencies and individuals commenting on the Draft PEIR is provided below.

Comments Received From	Date of Letter	Response on Page
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### Government Agencies (Federal, State, Regional, and Local)

A. Bay Conservation and Development Commission	July 28, 2011	20
B. City of Cupertino	July 29, 2011	23
C. USFWS	August 1, 2011	30
D. City of Santa Clara	August 1, 2011	39
E. California Department of Conservation	August 1, 2011	41
F. Santa Clara Valley Transportation Authority	August 5, 2011	46
	August 12, 2011	
G. County of Santa Clara	August 12, 2011	56
H. California Department of Fish and Game	August 12, 2011	72
I. Bay Area Air Quality Management District	August 15, 2011	77
J. Santa Clara Valley Water District	August 15, 2011	81
K. Santa Clara County Open Space Authority	August 15, 2011	94
L. California Department of Transportation	August 15, 2011	95

### Organizations and Individuals

1. Carol Ashman	June 19, 2011	98
2. Craig Ow	July 22, 2011	101
3. Almaden Valley Community Association	July 26, 2011	102
4. Larry Ames	July 27, 2011	104
5. Robert Hosler	July 27, 2011	108
6. PG&E	July 27, 2011	109
7. Preservation Action Council	July 28, 2011	110
8. California Clean Energy Committee	July 28, 2011	113
9. Loweke Planning Associates	July 29, 2011	137
10. VEP Community Association	July 29, 2011	142
11. Shirley Worth	July 29, 2011	145
12. Lowell Grattan	July 29, 2011	145
13. Michael Mulcahy	July 29, 2011	148
14. Amy Zeng	July 29, 2011	149
15. John Bernstein	July 29, 2011	150
16. Vernon Ladd	July 30, 2011	151
17. Tao Zeng	July 30, 2011	152
18. Dr. Zlian	July 30, 2011	153
19. Nancy Goebner	July 30, 2011	154
20. Nicholas Jensen	July 30, 2011	155
21. Mike Culcasi	August 1, 2011	156
22. Henry Cord	August 1, 2011	157

<b>Comments Received From</b>	<b>Date of Letter</b>	<b>Response on Page</b>
23. Pam Deal	August 1, 2011	158
24. Brian Molver	August 1, 2011	159
25. Luke Li	August 1, 2011	130
26. Gary Hurst	August 3, 2011	161
27. Lauren Moll	August 3, 2011	162
28. Bruce Reilly	August 4, 2011	163
29. John Whitaker	August 5, 2011	164
30. Noshaba Afzal	August 8, 2011	165
31. O. Glenn Herrell and Stephanie Blankenship	August 8, 2011	166
32. Save Our Trails	August 8, 2011	167
33. Eileen Mai	August 8, 2011	168
34. Khanh To	August 8, 2011	171
35. Yvette Valenzuela	August 10, 2011	174
36. Phieu (Phil) Truong	August 10, 2011	175
37. Steve Robles	August 10, 2011	176
38. Jimmy Nguyen	August 10, 2011	177
39. Rose Amador	August 10, 2011	178
40. Son Nguyen	August 12, 2011	179
41. Great Oaks Water Company	August 12, 2011	182
42. Tommy Tran	August 12, 2011	187
43. Bob Leininger	August 12, 2011	188
44. Bart Thielges	August 13, 2011	190
45. Carrie Jensen	August 14, 2011	191
46. Celia Poon	August 14, 2011	193
47. Nancy Hickey	August 14, 2011	194
48. Phieu Truong	August 14, 2011	195
49. Phu Tran	August 14, 2011	196
50. Tak Poon	August 14, 2011	197
51. Terri Balandra	August 14, 2011	198
52. Thuy Phuoc	August 14, 2011	205
53. American Lung Association	August 15, 2011	206
54. Building Industry Association	August 15, 2011	214
55. Committee for Green Foothills	August 15, 2011	218
56. David Fadness	August 15, 2011	226
57. De Anza College	August 15, 2011	232
58. Greenbelt Alliance	August 15, 2011	235
59. Greenbelt Alliance et al. (the Sierra Club, Silicon Valley Leadership Group, Working Partnerships, USA, The Health Trust, Committee for Green Foothills, and San Jose Cool Cities)	August 15, 2011	251
60. Health Trust	August 15, 2011	256
61. J. and M. Opulencia	August 15, 2011	258
62. John Urban	August 15, 2011	259
63. Leila Forouhi	August 15, 2011	261
64. Lori and Louis Berry	August 15, 2011	262
65. Members of the Willow Glen Community	August 15, 2011	263
66. Santa Clara Valley Audubon Society	August 15, 2011	265
67. Van Diep	August 15, 2011	270

<b>Comments Received From</b>	<b>Date of Letter</b>	<b>Response on Page</b>
68. Patrick Pizzo	August 16, 2011	271
69. Chris Pollett	August 16, 2011	273
70. Mary Pollett	August 16, 2011	274

## SECTION 4.0      RESPONSES TO COMMENTS RECEIVED ON THE DRAFT PEIR

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In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received from persons who reviewed the Draft PEIR. This section includes all of the comments contained in the letters/emails received during the public review period for the Draft PEIR, and responses to those comments. The comments are organized under headings containing the source of the letter and its date. The letters have been grouped into the following categories.

- Government Agencies (Federal, State, Regional, and Local)
- Organizations and Individuals

The specific comments have been copied from the letters and presented as “Comment” with its response directly following. Copies of the actual letters and emails received, and any attachments to those letters or emails, are found in their entirety in **Section 6.0 Comments Received on the Draft PEIR**.

The CEQA Guidelines, in Section 15086, require that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, any other state, federal and local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project, water agencies which serve or would serve the proposed project (CEQA Guidelines Section 15083.5(b)), adjacent cities and counties, and transportation planning agencies. **Section 2.0** of this document lists all of the recipients of the EIR.

Comment letters were received from seven public agencies that may be Responsible Agencies for parts or subsequent phases of the proposed project. The CEQA Guidelines require that:

A responsible agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency or which are required to be carried out or approved by the responsible agency. Those comments shall be supported by specific documentation (§15086(c)).

Regarding mitigation measures identified by commenting public agencies, the CEQA Guidelines state:

Prior to the close of the public review period, a responsible agency or trustee agency which has identified what the agency considers to be significant environmental effects shall advise the lead agency of those effects. As to those effects relevant to its decision, if any, on the project, the responsible or trustee agency shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate readily available guidelines or reference documents concerning mitigation measures. If the responsible agency or trustee agency is not aware of mitigation measures that address identified effects, the responsible or trustee agency shall so state (§15086(d)).

## MASTER RESPONSES TO MULTIPLE COMMENTS RECEIVED ON THE DRAFT PROGRAM EIR

Comments were received from multiple sources on two issues. In order to address the multiplicity of concerns, including comments that were identical, similar, and very different from each other, Master Responses were prepared on each topic. Below are Master Response A: Designation of Lincoln Avenue as a Main Street and Master Response B: Designation of Rancho del Pueblo Golf Course for *Mixed Use Neighborhood*.

### MASTER RESPONSE A: LINCOLN AVENUE

The comment letters to which this Master Response is responding are all listed in Section 3 of this First Amendment to Draft PEIR, and included in Section 4 Responses to Comments, and are attached in their entirety in Section 6 of this First Amendment. These include letters listed in Section 3 numbered 4, 11, 13, 15, 16, 19, 20, and 65.

South of San Carlos Street, Lincoln Avenue is an existing street designated as an *Arterial (80-106 feet)* or a *Minor Arterial* with four travel lanes<sup>1</sup> and *Pedestrian Corridor* that serves the well-established *Neighborhood Business District* of Willow Glen (see Figure 2.2-19 in the Draft PEIR). The street currently consists of four vehicle travel lanes (two in each direction), on-street parking, and sidewalks. Traffic counts reflected in the Draft PEIR for the segment of Lincoln between Brace and Minnesota were 17,500 average daily trips (ADT).

The *Envision San José 2040 General Plan* proposes to designate Lincoln Avenue as a *Main Street*. That designation is described in Section 2.2.4 Transportation Network, on page 71 of the Draft PEIR and illustrated in Figure 3.2-7 Proposed Street Cross Sections. Although the description of the *Main Street* designation identifies the street type as being intended to serve “all users”, including “pedestrians, bicyclists, motorists, and public transit users of all ages and abilities”, the proposed cross section for a *Main Street* does not include bicycle lanes. There is a corrected diagram in Section 5, Proposed Text Revisions to the Draft PEIR, of this First Amendment. That revised diagram includes bike lanes, although they are not mandatory on all Main Streets.

The *Main Street* diagram also illustrates that this type of street could include two to six lanes of vehicle traffic.

At least five comment letters include statements of opinion that Lincoln Avenue should be reduced in size from four lanes to two or three lanes and should include bike lanes. Complete copies of all of the letters are included in their entirety in Section 6 of this First Amendment to the Draft PEIR, and are also included with responses in Section 4, in the order received. The reasons given in the letters for why the letter writers think the roadway should be reduced in size include:

- The four lanes are not efficient: one lane is often blocked by left-turners, in other places other lanes are blocked by parallel-parkers, and moving cars are reduced to a single lane that requires weaving around the obstacles.
- Currently the speed limit is too high, there are no bike lanes, and crosswalks are unsafe.
- Three lanes would “smooth” the traffic flow, be safer for pedestrians and bicycle lanes, and would add to the “charm” of the area.

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<sup>1</sup> *San José 2020 General Plan*, Appendix E.

- Crossing four lanes of traffic is unsafe for pedestrians.

This specific issue was raised by members of the Task Force and discussed extensively. At their June 2009 meeting, the Task Force asked staff to respond to this and a number of other proposed modifications to the General Plan street network. Staff recommended that no change to Lincoln Avenue be considered at this time. The issue of reducing the capacity of Lincoln Avenue has been studied in the past. It is a complex issue both because of the traffic it currently carries and the businesses it serves and because of the likelihood of significant effects on intersection Levels of Service, adjacent streets and surrounding neighborhoods. The level of analysis required to fully evaluate and understand impacts on intersections, adjacent streets, and neighborhood traffic circulation is beyond the scope of a General Plan level traffic analysis. Staff recommended that the question of reducing the number of lanes on Lincoln Avenue be studied outside of the *Envision San José 2040* process.

This PEIR does not, therefore, address the impacts that would likely occur if Lincoln Avenue were reduced to two or three lanes.

## MASTER RESPONSE B: RANCHO DEL PUEBLO GOLF COURSE

The comment letters to which this Master Response is responding are all listed in Section 3 of this First Amendment to the Draft PEIR, and included in Section 4 Responses to Comments, and are attached in their entirety in Section 6 of this First Amendment. These include letters in Section 3 numbered 5, 14, 17, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 46, 48, 49, 50, 52, 61, 63, 64, 67, 68, 69, and 70.

It is appropriate in this context to point out that there is no “proposal” to change the land use designation on the Rancho del Pueblo golf course. Because of the cumulative effects of budget deficits in recent years, the City is reviewing all City owned properties for possible sale. At its meeting of January 25, 2011, the City Council directed that the change in land use designation be included in the PEIR as an “option”, different from the preferred alternative which does not propose to change the land use designation on the golf course. In a memo signed by four councilmembers recommending that this option be included in the PEIR is the statement that “This recommendation should in no way be perceived as Council approval of residential development on this site at this time.”<sup>2</sup>

After the EIR process is complete, the City Council could, however, decide to approve the designation change.

Most of the letters received on this amendment option express objections to the change in the proposed land use designation from *Open Space, Parklands and Habitat* under the proposed General Plan to *Mixed Use Neighborhood*. The new land use designation would allow single family detached or townhouse dwelling units, not the “high density” development that is mentioned in many of the comment letters. The development pattern would be similar to the existing homes built directly adjacent to the currently existing Rancho del Pueblo Golf Course.

While many of the letters give environmental concerns as reasons for their objections, the letters do not refer to the analysis in the PEIR nor do they suggest that additional information be included in the PEIR.

Some of the letters identify adverse environmental impacts which the letter writers believe will result from the changed land use. These identified impacts include the following:

- (1) More traffic and associated noise will be created on King Road, Story Road, US 101, and I-680 by the additional housing.
- (2) Air pollution will increase from additional traffic.
- (3) Additional residences will result in increasing demand on schools, libraries, and community recreation facilities.
- (4) Additional traffic will increase response time for police, fire, and ambulance services.
- (5) Crime will increase in the neighborhood because of the higher density of the housing and the increased number of residents in the area.
- (6) The area is already underserved for recreation and open space and eliminating this facility will further reduce accessibility. In particular, the existing golf course serves the elderly,

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<sup>2</sup> Memo dated January 21, 2011, signed by Mayor Reed, Vice Mayor Nguyen, and Councilmembers Liccardo and Kalra, entitled “Envision San José 2040 General Plan Draft Environmental Impact Report and Actions on Pending General Plan Amendments and Requests for Different Envision 2040 General Plan Land Use/Transportation Diagram Designations.”

- beginners, and youth, who have few choices for this kind of facility. The existing golf course has a “First Tee” program that offers supportive life skills programs for young people.
- (7) The golf course is a buffer for some of the homes for the noise from US 101.
  - (8) Local schools that already have low test scores may not be able to handle the additional children.
  - (9) Quality of life in the neighborhood will be adversely impacted
  - (10) The facility is a short 9-hole golf course that is unique in the community and particularly well suited to providing exercise for seniors
  - (11) Water hazards on the course provide habitat for water fowl and marsh birds and that loss must be mitigated.

All of these areas of impact were evaluated in the Draft PEIR. The following discussion addresses each of these environmental concerns raised in the various letters and emails and identifies where in the Draft PEIR the relevant information can be found.

(1) Traffic and noise: The proposed General Plan has the same number of jobs and dwelling units as the General Plan with the residential options. As discussed in Section 3.2.4.8 under Transportation Impacts (starting on page 294 of the Draft PEIR), the traffic impacts will be just as significant with the residential options as without them, although there might be very minor variations, as shown in Table 3.2-19.

The increments of difference between the proposed General Plan and a General Plan that includes the residential options cannot be calculated at specific local intersections this far in advance of the General Plan horizon year. It is assumed that adherence to relevant policies, including the Transportation Level of Service Policy, will minimize or avoid significant impacts from increased congestion.

Noise on major roadways in 2035 will be the combined impact of the traffic generated from the various land uses implemented by then. Traffic on a roadway must double in order to generate a perceptible increase in noise. The amount of residential development allowed by the residential option for Rancho del Pueblo golf course would not cause the traffic volumes on any of the freeways, King or Story Roads to double and would therefore not cause a perceptible increase in noise on those streets. Future traffic volumes on the small dead-end residential access street (Hermocilla Way) might double, but the small volume of traffic on that street does not generate noise in excess of General Plan guidelines (Table 3.3-5 on page 323 of the Draft PEIR).

(2) Air pollution: The regional air quality impacts from the proposed General Plan update *with* the residential options are the same as from the proposed General Plan update *without* the residential options. Development of the golf course property with single family and/or townhouse units as allowed by the proposed designation would result in a significant impact from exposure of residents to toxic air contaminants unless the houses are set back approximately 980 feet from the freeway right-of-way (pages 403-407 of the Draft PEIR).

(3) Increased demand for schools, libraries, recreational facilities: As stated in the Draft PEIR (pages 620-623) impacts to schools, libraries and recreational facilities from implementing the proposed General Plan update with the residential options, including residential development of the Rancho del Pueblo golf course property, would be similar to the impacts of implementing the proposing General Plan update without the residential options, and all of those impacts would be less than significant.

(4) Emergency response time: As stated in response (1) above, any future development would be evaluated for consistency with City policies, including transportation level of service, to minimize increased congestion. In addition, the City maintains public safety and provides community services including police and fire through a variety of mechanisms and facilities that include review of new development by police, fire, code enforcement, and other City departments to ensure that the design incorporates crime deterrence, fire safety, and other elements to reduce risk. Emergency vehicles that can use sirens, red lights, and signal overrides are less impacted than normal traffic by congestion

(5) Crime will increase: Since the housing type and density will be identical to that already existing immediately adjacent to the golf course to the south, new residents are unlikely to cause increased crime any more than existing residents.

(6) Golf course will not be replaced: It is true that the golf course is unlikely to be replaced in the neighborhood or elsewhere in the City. This is the loss of a community amenity, but it is not a CEQA impact since it will not result in an exceedance of the threshold of significance for parks and public facilities, as stated on page 609 of the Draft PEIR.

(7) Noise buffer: The distance from the existing homes to the noise source (the freeway) will remain the same. Should the golf course be replaced by homes, the new houses will create a real physical barrier to the freeway noise and would be a better buffer than the flat golf course.

(8) Local schools may lack capacity: School impacts would be mitigated by the same mechanisms as elsewhere in the City, in conformance with state law which governs CEQA mitigation for school impacts. Please see discussion on pages 613-615 of the Draft PEIR.

(9) Quality of life will be impacted: This is a subjective opinion and there is no way to adequately respond to this comment in an EIR.

(10) Golf course is good for seniors: This refers to comments about the role of the golf course in encouraging seniors to walk and get exercise. The comment is acknowledged but the loss of the incentive presented by the golf course is not a CEQA-related environmental impact that can be evaluated in an EIR, since walking is a form of exercise not confined to golf courses.

(11) Water hazards are habitat: Man-made water elements on a golf course are not recognized as essential or sensitive wildlife habitat and their loss would not be considered a significant environmental impact. Impacts to individual nesting birds from removal of trees or vegetation during the nesting season would need to be avoided, in accordance with existing laws and regulations and migratory bird policies in the proposed General Plan.

### **Non-CEQA Comments**

Other comments in these letters include detailed questions about the type of housing planned, design of the future development, specific type of access that would be proposed, etc. One question asks if the City has a list of prospective buyers. None of these questions can be answered at this time. A General Plan designation only sets the parameters of the type of the development that would be allowed (which is described for this site starting on page 120 of the Draft PEIR). Later, a specific proposal must be received from a developer and a public review process (including subsequent environmental review) would take place. At this time, it is estimated that approximately 570

dwelling units, probably small lot single family houses and/or townhouses, could be built on this property under the suggested land use designation.

Other comments in some of the letters are related to economic factors that are not pertinent to environmental issues. The issues raised include the following:

- Letters ask about whether building more housing is sustainable in the current economy, or even a good idea, given that housing played such a big role in the current recession.
- It is pointed out that the housing market is depressed and San José will not get fair market value for the property. Some letter writers are afraid that the addition of “high density” housing would depress the market value of other houses in the area. At least one letter points out that if the land sells for a low price, future property taxes based on that low value will result in a net loss of income to the City, even if the City is not paying off the mortgage any longer.
- Gentrification from constructing new housing could negatively impact nearby housing which is already experiencing a large number of foreclosures.
- Loss of the only significant green space in the area, especially given the relatively small yards of the nearby houses, would further drive down property values.

While these types of questions may be relevant to the project itself including whether this land use designation should be approved, and are pertinent to the balance of housing in the proposed General Plan, they are not directly relevant to the environmental review for a general plan because they do not relate to impacts on the physical environment.

The City cannot predict what specific development would be proposed by a developer under this land use designation, what amenities might be included, how the streets or driveways would be configured, or when any future development might occur. The Draft PEIR describes (on pages 120-122) what would be allowed by the *Mixed Use Neighborhood* land use designation being evaluated.

Questions about the fiscal prudence or desirability of changing the land use are not relevant to the analysis in an EIR, and should be directed to the project’s decision makers, the City Council.

### **Alternatives**

The change in land use designation for the golf course property, to *Mixed Use Neighborhood*, is an alternative variation (“option”) to the currently proposed project, which is the *Envision San José 2040 General Plan* in which the golf course property remains designated *Open Space, Parklands and Habitat* and the land use does not change from existing conditions.

However, various letters ask about other alternatives, including:

- A “low-maintenance” public park which provides better community building
- Part housing, part public park or open space
- Waiting a few years before deciding to change the land use
- Sell the Hayes Mansion instead of the golf course

These alternatives are not evaluated in this EIR.

**Conclusion**

The comment letters provided on this PEIR identify a number of environmental conditions which the letter writers believe will worsen if the residential option for the Rancho del Pueblo Golf Course is approved and implemented. The letters do not, however, object to the analysis in the Draft PEIR, do not raise environmental questions that are not answered in the Draft PEIR, and do not call into question the analysis in the PEIR.

## GOVERNMENT AGENCIES

### A. RESPONSES TO COMMENTS ON THE DPEIR FROM SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION, DATED JULY 28, 2011.

**COMMENT A-1:** Thank you for the opportunity to comment on the Draft Program Environmental Impact Report (PEIR) for the Envision San Jose 2040 General Plan distributed in June 2011. The San Francisco Bay Conservation and Development Commission (BCDC or Commission) has not reviewed the PEIR, but the following staff comments are based on the San Francisco Bay Plan (Bay Plan) as amended through January 2008, the McAteer-Petris Act, and staff review of the PEIR.

**Jurisdiction.** Under the federal Coastal Zone Management Act of 1972, the Commission's coastal management program is the approved program for the San Francisco Bay segment of the California coastal zone. The Commission's coastal management program is based on the provisions and policies of the McAteer-Petris Act, the Suisun Marsh Preservation Act of 1977, the San Francisco Bay Plan, the Suisun Marsh Protection Plan, and the Commission's administrative regulations.

The Commission has “Bay” jurisdiction over all areas of the Bay subject to tidal action which is defined by the shoreline. The shoreline is located at the mean high tide line, except in marsh areas, where the shoreline is located at five feet above mean sea level. The Commission’s “Bay” jurisdiction extends to certain waterways identified in the McAteer-Petris Act consisting of all areas of the waterways that are subject to tidal action including submerged lands, tidelands, and marshlands up to five feet above mean sea level. Additionally, the Commission has “shoreline band” jurisdiction over an area 100 feet wide inland and parallel to the shoreline. The Commission controls filling and dredging within its “Bay” jurisdiction through the permit system established by the McAteer-Petris Act. The Commission also administers permits for development within its 100-foot “shoreline band” jurisdiction. However, the Commission’s authority along the shoreline is more limited; it may deny a permit application for a proposed project only if the project fails to provide maximum feasible public access to the Bay and shoreline consistent with the project, or is Inconsistent with a priority use designation.

In accordance with provisions of the McAteer-Petris Act, the Commission has designated certain areas within the 100-foot “shoreline band” for specific priority uses for ports, water-related industry, water-oriented recreation, airports and wildlife refuges. The Commission is authorized to grant or deny permits for development within these priority use areas based on appropriate Bay Plan development policies pertaining to the priority use.

Staff comments in this letter address strategies and analysis in the General Plan update and PEIR that pertain to Alviso Planning Area to which BCDC’s jurisdiction is potentially relevant.

Bay Plan Map 7 (South Bay) identifies a wildlife refuge priority use area in the Alviso area. Policies 7 and 8 for Bay Plan Map 7 apply to this area, as does the Commission Suggestion A for Alviso-San Jose which states “Provide continuous shoreline public access.” The PEIR states that “Approximately 25,500 jobs are planned for Alviso to utilize the undeveloped land owned by the Water Pollution Control Plant”(Section 2.2.3.3, p. 47). On page 84 the PEIR references the development of a Water Pollution Control Plant (WCPC) Master Plan for reuse of these buffer lands for new uses including additional employment capacity. It is unclear if these General Plan strategies address areas within BCDC’s jurisdiction as defined in the McAteer-Petris Act. If this is

the case, the WPCP Master Plan should consider impacts to the wildlife refuge priority use area and/or other relevant Bay and shoreline areas based on provisions of the McAteer-Petris Act and the San Francisco Bay Plan policies.

**RESPONSE A-1:** The text on page 84 of the Draft PEIR is part of the project description for land use designation changes in the proposed Envision San José 2040 General Plan for the *Public/Quasi-Public* land use designation. As noted in this comment, BCDC’s jurisdiction as defined in the McAteer-Petris Act includes areas of waterways that are subject to tidal action including submerged lands, tidelands, and marshlands up to five feet above mean sea level and a shoreland band over an area 100 feet wide inland and parallel to the shoreline. Some areas designated for *Public/Quasi-Public* uses in the proposed Envision San José 2040 General Plan at the south end of San Francisco Bay may be within BCDC’s jurisdiction and further development or modifications to infrastructure in these areas would need to consider BCDC policies and permit requirements.

As noted on page 84 of the Draft PEIR, the City is currently in the process of preparing a Master Plan for the reuse of buffer lands surrounding in the Water Pollution Control Plant (WPCP). This process is separate from the proposed update of the City’s General Plan. These comments regarding San Francisco Bay Plan policies and possible impacts to the wildlife refuge priority use area and/or other relevant Bay and shoreline areas as part of a future Master Plan are noted and will be provided to the City staff working on the WPCP Master Plan.

**COMMENT A-2:** Additionally, we recommend the following changes to the PEIR: identify the McAteer-Petris Act in the discussion of Existing Land Use in section 3.1.1.5, the Regulatory Framework; in sections 3.5.1.6 and 3.1.7.8, under the description of BCDC, correct the name of the agency in the first sentence to read San Francisco Bay Conservation and Development Commission, and replace the rest of this first paragraph with the description of BCDC’s jurisdiction and permit system provided in this letter.

**RESPONSE A-2:** Text has been added to Section 3.1.1.5 regarding BCDC’s role as a local coastal program and modifications have been made to the name of the agency and the descriptions of BCDC’s jurisdiction in Sections 3.5.1.6 and 3.7.1.8 (see Section 5.0 Revisions to the Text of the Draft PEIR).

**COMMENT A-3: Sea Level Rise.** We applaud your careful consideration of climate change impacts in sections 3.7.1.7 and 3.7.3.1 and in Appendix G, as well as proposed policies EC5.13 and EC5.20 which will help the City of San Jose adaptively address risks of flooding related to future sea level rise.

On page A-23 of the Climate Change Appendix (in Appendix G) there is a discussion of the proposed climate change policies for amending the Bay Plan that may be relevant to the City. The referenced proposed policies have changed significantly through the amendment process. We recommend updating this section with the current proposed policy language, available at BCDC’s website (<http://www.bcdc.ca.gov/>) or, at a minimum, noting that the proposed policies have been significantly revised since the preparation of the Climate Change Appendix.

Thank you again for this opportunity to comment on the PEIR. If you have any questions regarding this letter, or any other matter, please contact me by phone at 415-352-3654 or email [sarap@bcdc.ca.gov](mailto:sarap@bcdc.ca.gov).

**RESPONSE A-3:** Text has been added to Appendix G prior to the Hydrology and Water Quality report noting that proposed policy language for BCDC’s amendments to its Bay Plan have changed subsequent to preparation of the analysis (see Section 5 Revisions to the Text of the Draft PEIR).

**B. RESPONSES TO COMMENTS FROM THE CITY OF CUPERTINO, DATED JULY 28, 2011.**

**COMMENT B-1:** Thank you for providing the City of Cupertino with the opportunity to review and comment on the Draft Program Environmental Impact Report (EIR) for the Envision San Jose 2040 General Plan. The City has reviewed the Draft Program EIR and would like to bring to your attention the City's comments and concerns regarding areas within the City of Cupertino that are adjacent to the City of San Jose and will be impacted by the proposed General Plan update.

The City of Cupertino recognizes that there are three particular areas within the City of San Jose in the West Valley Planning Area that are adjacent to the City of Cupertino. These areas include:

1. Area along Stevens Creek Boulevard approximately east of Tantau Avenue to Lawrence Expressway, which includes Urban Village CR 32
2. Area along South De Anza Boulevard between Bollinger Road and Prospect Avenue which includes Urban Village C43
3. Area south of Bollinger Road from S. De Anza Boulevard to Lawrence Expressway which includes Urban Village V61

It appears that these three areas are proposed for a land use designation of Neighborhood/Community Commercial with an Urban Village overlay that would allow for a density of at least 55 units per acre and up to 250 units per acre, and a Floor Area Ratio (FAR) of up to 10.0 (3 to 10 stories). Although the type of Urban Village overlay identified for each of these three areas is different, the proposed General Plan does not specify what will be the likely differences in density range, FAR and height allowances in each of these different urban villages in the areas adjacent to the City of Cupertino. The City of Cupertino would like further clarification on the density ranges, FARs and height allowances proposed for these areas adjacent to our jurisdiction.

**RESPONSE B-1:** The proposed Land Use/Transportation Diagram for the *Envision 2040 General Plan* includes designations for *Neighborhood Community Commercial* and *Urban Residential* on land that is directly adjacent to properties within the City of Cupertino. Both commercially designated areas are within *Village Overlay Areas*.

Part of C43, a “Commercial Center Village and Corridor” is located east of DeAnza Boulevard, south of Bollinger Road and north of SR85. A property designation of *Urban Residential* is proposed between C43 and the northerly edge of SR 85, just north of Rainbow Drive and west of DeAnza Boulevard.

A small portion of CR32, a proposed “Light Rail Village and Corridor” that is located on the south side of Stevens Creek Boulevard and that portion of CR32 that is west of the I-280 right-of-way is also adjacent to properties in the City of Cupertino.

V61, which is a designated “Neighborhood Village” is located on the southeast corner of Miller Avenue and Bollinger Road and is separated from properties in the City of Cupertino by public street rights-of-way.

The *Urban Village* designation, as stated on page 79 of the PEIR, “is intended to accommodate higher density housing growth” and significant amounts of job growth. Most of C43 is located across DeAnza Boulevard from Cupertino, adjacent to properties in San José. Table 2.2-13 identifies 845 additional dwelling units within C43 as part of the

Preferred Scenario, and 2,140 jobs. CR32 is planned to include up to 2,400 added jobs and up to 3,860 additional dwelling units. V61, which is primarily a small shopping center is planned to add up to 400 additional jobs and 160 additional dwelling units. The *Urban Residential* proposed for property between C43 and SR 85 is intended to accommodate medium density residential (30-95 DU/AC) and a broad range of commercial uses including retail, offices, hospitals, and private community gathering facilities within Urban Villages (such as that allowed within C43).

As stated in the General Plan itself, and as analyzed in the Draft PEIR starting on page 157, there is an extensive process required for implementing these new higher intensity land use designations. The specific FAR, building heights and residential densities will be identified during the Village Plan development process for each of the villages. The General Plan policies for developing design standards and for the extensive public outreach during the development of each of the plans, is also described beginning on page 157 of the Draft PEIR.

**COMMENT B-2:** The City of Cupertino would also like to provide the following comments and concerns regarding the proposed land use designation changes per Section 2.2.6 that focuses on these three particular areas:

1. Area adjacent to the City of Cupertino along Stevens Creek Boulevard approximately east of Tantau Avenue, including Urban Village CR32

- This area is adjacent to properties in the City of Cupertino within the Heart of the City Specific Plan Area and South Vallco Master Plan Area which allow for a significantly lower residential density of 25 units per acre maximum in the Heart of the City Specific Plan Area, and 35 units per acre maximum in the South Vallco Master Plan Area.
- The maximum building height allowances of these properties in the City of Cupertino are significantly lower at 45 feet in the Heart of the City Specific Plan Area, and up to 60 feet in the South Vallco Master Plan area if there is a retail component to the building.
- The City is concerned about the impacts and challenges that such significant density and building height variations could create with respect to the architectural, aesthetic/visual, and streetscape interfaces between properties within Cupertino and San Jose along Stevens Creek Boulevard.

**RESPONSE B-2:** Under existing conditions, Stevens Creek Boulevard is a major six-lane street, with a wide variety of land uses and development types, including very large multi-story buildings, high density residential, mixed use (Santana Row), building supplies, a wide variety of big-box retail, and quasi-industrial uses such as storage, in addition to at least three major shopping centers, one in Cupertino. Development of each of the future Village Plans, as required in the General Plan, will take into account all of the existing conditions relevant to that village location. The process and factors that will be reflected in the development of this and all other Village Plans are described in the PEIR, starting on page 162, “Proposed General Plan Policies and Actions That Reduce or Avoid Possible Adverse Impacts from High Intensity Development”.

Stevens Creek Boulevard is intended to include a BRT (bus rapid transit) line in the future. The proposed *Envision 2040* General Plan therefore designates Stevens Creek as a “Grand Boulevard”, a major transportation element that will provide access to a substantial quantity of development that will be served by the extensive transportation improvements planned for it. Standards for the design, scale, setbacks and streetscape will be developed for each of the

Villages, consistent with the planned land uses, adjacent land uses, and infrastructure, including the width and use of Stevens Creek Boulevard.

This comment refers only to the development on the north side of Stevens Creek Boulevard. Existing and future employment land uses in Cupertino that are north of the “Heart of the City” area that is planned by Cupertino for low to mid-rise buildings, including the highly publicized new Apple building proposed in Cupertino, will require substantial additional housing and transit services similar to what is proposed by this General Plan update.

**COMMENT B-3:** 2. Area adjacent to the City of Cupertino along South De Anza Boulevard between Bollinger Road and Prospect Avenue, including Urban Village C43

- This area is adjacent to properties within the City of Cupertino that are single-family and multifamily residential to the west with a maximum density of 1-5 units per acre for single-family residential, and a maximum density of 5-20 units per acre for multiple-family residential.
- The maximum building heights for these residential units is 28 feet for single-family residential and 30 feet for multi-family residential.
- This area is also adjacent to commercial properties within the City of Cupertino to the north along S. De Anza Boulevard which are primarily one-story commercial and office uses. The maximum allowable building height in this area in Cupertino is 30 feet.
- The City believes that the significant disparity in existing and allowable density and building heights between properties in Cupertino and San Jose would create challenges with respect to the aesthetic/visual and streetscape interfaces between adjacent properties in both jurisdictions, and impacts of privacy, light, air, traffic and noise onto adjacent residential neighborhoods in the City of Cupertino.

**RESPONSE B-3:** The City of San José boundaries between Bollinger Road and Prospect Road include both sides of DeAnza Boulevard between Bollinger and SR 85, and the east side of DeAnza between SR 85 and Prospect. Only the area north of SR 85 (between Bollinger and SR 85), however, is designated as a growth area, Urban Village C43. The *Neighborhood Community Commercial* designated lands on the east side of DeAnza south of SR 85 would not be substantively changed by proposed changes to the General Plan.

It should, therefore, be noted that the “streetscape interfaces” on both sides of Stevens Creek Boulevard within the Village designated as C43 would all be within San José. The nearest streetscape in Cupertino is either north of the intersection of DeAnza and Bollinger, or south of the SR 85 interchange, minimizing the potential for aesthetic or visual contrast.

The interfaces between proposed villages and the lower density residential neighborhoods in Cupertino would be treated in a manner similar to interfaces between proposed Urban Villages with existing low density neighborhoods in San José (the City’s adopted design guidelines refer only to land uses, not to jurisdictions). Each Village Plan must develop a method for protecting adjacent sensitive receptors from noise, light intrusion, visual intrusion, and similar land use compatibility impacts. The general concept is discussed in Section 3.1.3 of the DEIR, starting on page 160. Specific policies that will reduce or avoid each type of impact are called out starting on page 162 of the Draft PEIR.

**COMMENT B-4:** The City also believes the proposed Neighborhood/Community Commercial uses in this area-could allow for higher intensive uses such as general office uses, hospitals and private gathering places, than allowed in the adjacent commercial areas within the City of Cupertino

to the north. The commercial properties in this area in the City of Cupertino are encouraged to include a neighborhood commercial presence with neighborhood commercial or residential uses, but not solely by office, commercial-office or general commercial uses.

**RESPONSE B-4:** The existing designation on this segment of DeAnza Boulevard is Neighborhood/ Community Commercial, which governs any development that might occur prior to development and implementation of the Urban Village Plan for the area north of SR 85. The Urban Village Overlay areas will allow a wide variety of commercial, residential, institutional or other land uses integrated with high density residential, consistent with the adopted Plan. No explanation is provided in this letter for why different types of commercial or office uses should be considered incompatible, so no additional response can be provided.

**COMMENT B-5:** Area adjacent to the City of Cupertino south of Bollinger Road from S. De Anza Boulevard to Lawrence Expressway, including Urban Village V61

- This area is south of properties within the City of Cupertino that are developed with duplex homes, a church, an elementary school and single-family residential which have low and medium-low densities between 1-10 units per acre, and are predominantly single-story in nature and allow for residential heights of up to a maximum of two stories and 30 feet.
- There is concern that the significant disparity in density and building heights could create impacts of privacy, light, air, traffic and noise onto the adjacent residential neighborhood in Cupertino to the north, and present challenges to the aesthetic/visual and streetscape interfaces between the two jurisdictions.
- The particular type of Urban Village which this area is designated, Neighborhood Villages, is described as a smaller neighborhood-oriented commercial site that is not anticipated for significant intensification. However, the description does not specify clearly enough what is not considered “significant intensification” with respect to the wide range of density, uses and height allowances for Urban Villages. Clarification is needed to further explain the intended allowable development and uses for this area.

**RESPONSE B-5:** The description on page 37 of the PEIR is appropriate to the degree of specificity that can be provided in a General Plan EIR. The text refers to a “small amount of housing and a moderate amount of job growth capacity”, and Table 2.2-13 lists a growth potential of 400 additional jobs and 160 dwelling units for the Neighborhood Village designated V61.

Again, as discussed above, the process and development of standards for ensuring compatibility with adjacent low intensity neighborhoods will follow the General Plan policies discussed in Section 3.1.3 of the DEIR, starting on page 160. Specific policies that speak to the process of implementation, design development, and to each type of impact are called out starting on page 162 of the Draft PEIR.

**COMMENT B-6:** Recommendations on the proposed land use designation changes  
The City of Cupertino recommends that consideration and policies be incorporated to mitigate impacts that could occur on properties in the City of Cupertino resulting from these proposed land use changes, and to also provide compatible transitions and interface between these areas in the City of San Jose and the adjacent properties in Cupertino, particularly with respect to density, uses, building height, architectural design, and street frontages. Further, the City recommends that the City of San Jose include property owners and residents in the City of Cupertino within the

surrounding neighborhood of these areas in any neighborhood meetings regarding development of Urban Village plans.

**RESPONSE B-6:** The responses above describe the process for implementing the Villages and identify where in the Draft PEIR are the policies that will govern mitigation of such impacts. City policies for noticing effected residents and property owners do not distinguish between those in San José and those outside San José’s boundaries. The PEIR states (on page 155) that:

The design interface between new high density development and the lower density residential neighborhoods that abut some of the Growth Areas will need to be sensitive to the need to protect the quality and integrity of the neighborhoods, consistent with the City’s adopted Design Policies and with the policies in the proposed General Plan. Late night noise, misdirected and overly bright lighting, litter, substantial privacy conflicts, spillover parking – all of the effects that are so frequently feared by existing residents who see a new high density project being proposed – can be adequately addressed if taken into account in the design of the new project. Mitigation of possible effects can be accomplished by avoidance as well as a reduction of impacts that might otherwise occur.

**COMMENT B-7:** Section 2.2.7 Proposed Planning Horizons  
Based on Figure 2.2-34, it appears that the three Urban Village areas adjacent to the City of Cupertino, CR32, C43, V61, are with the Horizon 3 phasing time frame. Please clarify the following:

1. Is there an approximation of the period in which the City will enter the Horizon 3 phasing time line?
2. It appears that any commercial, office and non-residential development may occur in these areas at any time, regardless of the Horizon period. The City would like to further understand the concept of the Horizon phasing and would like to ask the following questions:
  - a. Does this mean residential or mixed-use residential development may not occur in these areas until the Horizon 3 phasing has been reached?
  - b. What if a developer were to propose residential or mixed use residential in this area prior to reaching the Horizon 3 phasing period?

**RESPONSE B-7:** The three village sites referenced are all in Horizon 3. Answers to each of the questions follows.

1. There is no specific timeframe assigned to the horizons. The criteria and process for opening up an horizon are addressed in Section 2.2.7 of the PEIR, starting on page 118. A new horizon can only be opened during a Major Review of the General Plan, which occurs every four years.
2. Employment uses can be implemented on any village site at any time. In addition, as discussed on page 119, a residential pool will be provided which may be used to develop dwelling units in advance of a designated horizon. Also, “Signature Projects”, as defined in Chapter 7 of the proposed General Plan, may be developed in advance of the designated horizon for a specific Village. The process for developing a Village Plan, with all appropriate outreach and public process will still occur in advance of approval of a Plan and a Plan must be approved before the Urban Village is developed.

**COMMENT B-8:** Transportation

Upon reviewing Section 3.2, *Transportation*, of the Draft PEIR, the City has the following comments:

- The 2040 General Plan proposes reclassifying De Anza Blvd between Bollinger Road and Prospect Road as a “Main Street”. According to the typical cross section, Figure 3.2-7, this would involve potentially reducing the number of travel lanes in each direction, and eliminating an existing bike lane in each direction. Any reduction in vehicle travel lanes would likely result in considerable congestion along southbound De Anza Blvd north of Bollinger Road through Cupertino, and elimination of bike lanes runs counter to policies providing for multi-modal accommodations on streets. We recommend that no vehicle lane reduction be considered, that bike lanes be retained, and that any re-classification of De Anza Blvd as a “Main Street” that results in either lane reductions or bike lane removal be considered only south of Highway 8S, where volumes are lower.

Any improvements or changes to De Anza Blvd south of Highway 85 must be done with the consent and cooperation of the City of Cupertino, as Cupertino has jurisdiction over the western half of the roadway.

**RESPONSE B-8:** The typical cross sections provided are exemplary only. The description of the “Main Street” classification on page 246 of the PEIR states very specifically that “Each Main Street may be different in character and should reflect the key characteristics of the surrounding neighborhoods...” The cross section for a Main Street is modified in the text revisions in Section 5 of this First Amendment to the PEIR to demonstrate that bicycle lanes may be included and the width of a Main Street may vary.

The description also states specifically that Main Street must support many transportation modes, including providing comfortable access and travel for “all users” – pedestrians, bicyclists, motorists and public transport users of all ages and abilities. (Page 247 of the PEIR). Changes in this and all other roadways would be coordinated with all effected jurisdictions.

The diagram for a Main Street is modified and clarified in Section 5. Proposed Revisions to the Text of the Draft PEIR.

**COMMENT B-9:** The 2040 General Plan proposes reclassifying Bollinger Road as an “On-Street Primary Bicycle Facility”. According to the typical cross section, Figure 3.2-7, this would involve potentially reducing the number of travel lanes in each direction from two to one. Reducing travel lanes on Bollinger Road could cause an increase in congestion along Bollinger Road, along neighboring streets, and intrusion into adjacent neighborhoods. Any such impacts would need to be studied and should be mitigated to the extent possible.

Any improvements or changes to Bollinger Road must be done with the consent and cooperation of the City of Cupertino, as Cupertino has jurisdiction over the northern half of the roadway.

**RESPONSE B-9:** The text definition of an “On-Street Primary Bicycle Facility” says that high volumes of motor vehicle traffic will be discouraged, but may be allowed where necessary (page 246 in the PEIR). The traffic management strategies referred to in that definition, that would “slow and discourage through automobile and truck traffic” would be developed in conjunction with the City of Cupertino, should they be necessary.

**COMMENT B-10:** The City of Cupertino appreciates the opportunity you have provided to review the Draft Program EIR for the Envision San Jose 2040 General Plan, and looks forward to receiving a response on the abovementioned. Should you have any questions regarding the above-referenced comments or need additional information, please feel free to contact Aki Honda Snelling, Senior Planner, in the City of Cupertino Planning Department at (408) 777-3313. Please provide this department with any further notices with respect to the environmental review process and the City's decision-making process on this project to my attention at the above address so that the City may continue to work with you to address the concerns of the communities both our agencies serve.

**RESPONSE B-10:** The comment is acknowledged.

### C. RESPONSES TO COMMENTS ON THE DPEIR FROM THE U.S. FISH AND WILDLIFE SERVICE, DATED AUGUST 1, 2011.

**COMMENT C-1:** This letter is in response to your June 23, 2011, request for comments from the U.S. Fish and Wildlife Service (Service) on the Draft Program Environmental Impact Report (PEIR) for the Envision San Jose 2040 General Plan Update (proposed Plan) for the City of San Jose (City) in Santa Clara County, California. Your request for comments was received by our office on June 23, 2011. At issue are the potential effects of the proposed Plan on the threatened California red-legged frog (*Rana draytonii*), threatened Central population of the California tiger salamander (*Ambystoma californiense*), endangered California clapper rail (*Rallus longirostris obsoletus*), endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), threatened Pacific coast population of the western snowy plover (*Charadrius alexandrinus nivostis*), endangered California least tern (*Sternula antillarum browni*), endangered California sea blite (*Suaeda californica*), endangered Contra Costa goldfields (*Lasthenia conjugens*), and the endangered robust spineflower (*Chorizanthe robusta*). Additional federally listed species associated with serpentine habitats within Santa Clara County (e.g, the threatened Bay checkerspot butterfly (*Euphydras editha bayensis*) and its designated-critical habitat, and listed serpentine plants including the endangered Santa Clara Valley dudleya (*Dudleya setchellii*), endangered Tiburon Indian Paintbrush (*Castilleja affinis* ssp. *neglecta*), endangered Coyote ceanothus (*Ceanothus ferrisiae*), and endangered Metcalf Canyon jewel-flower (*Streptanthus albidus* ssp. *albidus*) may be indirectly affected by growth inducement and increased atmospheric nitrogen deposition related to the proposed Plan. This response is issued under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 et seq.) (Act), the California Environmental Quality Act, and the Migratory Bird Treaty Act of 1917.

The Service has the following Comments on the PEIR:

1. The City should analyze all of the potential direct and indirect effects of the proposed Plan on federally listed species. State-listed species, California Native Plant Society rare species, California Species of Special Concern, bald and golden eagles (*Haliaeetus leucocephalus* and *Aquila chrysaetos*), migratory bats and other special-status species and include appropriate avoidance, minimization, and restoration/compensation measures. The City should determine the extent of the action area where federally listed species may be directly or indirectly affected by the proposed Plan.

**RESPONSE C-1:** Special-status plant and animal species that could occur in the City of San José, including the threatened and endangered species listed in the comment above, are specifically addressed in Section 3.5.1.3, Section 3.5.1.4, Section 3.5.3.6 and Section 3.5.3.7 of the PEIR. Appendix E, Biological Resources, includes more detailed information on the species listed in this comment and was used to refine proposed General Plan policies regarding the preservation of habitat areas that support special-status species and avoidance of development in such habitats.

The “action area” addressed in the PEIR is the City of San José. The proposed General Plan is a comprehensive, long-term plan that would guide future growth and development within the city limits of San José (see Figure 3.1-1 and Figure 3.5-1 in the Draft PEIR). The EIR is a Program EIR that evaluates the types of development activities that could impact biological resources, including special status species. Planning areas within the city where Special-status animals potentially could be impacted are listed in Table 3.5-4 and the habitats where special-status plants may be found are discussed in Section 3.5.3.6 and shown on Figures 3.5-1 through 3.5-4. Proposed General Plan Policies designed to avoid, minimize or require

mitigation for impacts to Special-status Plants and Animals are identified in Section 3.5.3.6 and Section 3.5.3.7 of the PEIR. Under proposed General Plan policies, specific mitigation measures, such as designing roads to allow wildlife movement would be required to be identified at the time environmental review is undertaken for individual projects (e.g., Policy ER-2.7, Policy ER-5.1 and Policy ER-5.3 on page 465 and Policy ER-3.4 and Policy ER-8.2 on page 476 of the PEIR which have since been renumbered as shown in Section 5 Revisions to the Text of the Draft PEIR. Text has been added to the PEIR to reflect policies in the proposed General Plan regarding migratory bird nests, including those of bald and golden eagles (refer to Section 5 Revisions to the Text of the PEIR).

**COMMENT C-2:** 2. The City should evaluate the environmental baseline conditions for all listed species within the action area directly or indirectly affected by the proposed Plan. The environmental baseline should evaluate the current acres of suitable habitats within the action area, the quality of those habitats, known occurrences of listed species within and near the action area, existing threats to listed species in those habitats, and the importance of the action area as a dispersal corridor or for the recovery of listed species. The establishment of a sufficient biological baseline will be critical to develop site design alternatives and associated adequate avoidance, minimization and conservation strategies for the proposed Plan.

**RESPONSE C-2:** As discussed in Response C-1, information on listed species that occur in San José is included in Section 3.5.1.3, Section 3.5.1.4, Section 3.5.3.6, Section 3.5.3.7, and Appendix E of the PEIR.

The consideration of wildlife movement is an addition to the proposed update of San José's General Plan. Wildlife movement through key areas of the city is described in Section 3.5.1.2 and 3.5.3.5 of the PEIR.

As noted on page 408 of the Draft PEIR, a portion of the city is addressed in the draft Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) released in December 2010. The considerable baseline research done to prepare the HCP/NCCP was also referenced when preparing the biological resources report in Appendix E and the goals, policies and actions in the proposed General Plan update.

**COMMENT C-3:** 3. The Draft Santa Clara Valley Habitat Conservation Plan (SCVHCP) (County of Santa Clara *et al.* 2010) is currently being refined in response to public comment. The proposed Plan should be developed consistent with the conservation strategy described in the SCVHCP. We highlight a few of these measures below. A full description of the conservation strategy is discussed in Chapter 5 of the SCVHCP.

**RESPONSE C-3:** The City of San José, as one of the local partners in preparation of the draft HCP/NCCP, has included an action in the General Plan that addresses implementation of the HCP/NCCP (Action ER-2.9) once it is completed and adopted.

**COMMENT C-4:** 4. The proposed Plan has the potential to be growth-inducing and lead to significant cumulative and interrelated effects to serpentine habitat and associated listed species (e.g. Bay checkerspot butterfly and listed serpentine plants) from air quality effects (e.g., increased atmospheric deposition of nitrogen) related to growth. Atmospheric nitrogen pollution degrades serpentine habitat for the Bay checkerspot butterfly and listed serpentine plants by facilitating the invasion of non-native plant species. The City should consider reducing atmospheric nitrogen pollution in transportation planning. Cumulative effects should be addressed through the

implementation of minimization and restoration/compensation measures consistent with the SCVHCP.

**RESPONSE C-4:** Measures designed to reduce vehicle trips and vehicle miles traveled (and associated air emissions from internal combustion engines) are included in the proposed General Plan update, as described in on pages 262-267 in Section 3.2.4.1 and Table 3.4-9 in Section 3.4.3.2 of the draft PEIR. They include providing for a more balanced transportation system, implementation of Transportation Demand Management (TDM) and Transportation Control Measures (TCM), new parking strategies, and trails as transportation policies to reduce vehicle travel.

Indirect impacts to sensitive serpentine habitats associated with implementation of the proposed General Plan update are addressed in Section 3.5.3.3 of the PEIR and cumulative effects are discussed in Section 6.3.5 Cumulative Biological Resources Impacts of the PEIR. The discussions in these sections disclose that this cumulative issue is being addressed by local partner agencies participating in the Santa Clara Valley HCP/NCCP. If the Santa Clara Valley HCP/NCCP is not adopted, there is no timeline or assurance that restoration/compensation measures consistent with the December 2010 Draft HCP/NCCP would be implemented unilaterally by the City of San José, however, given current City resources.

**COMMENT C-5:** 5. Rodenticide use should be prohibited in grassland habitats that support the California tiger salamander because the amphibian relies on small mammals' burrows for refugia.

**RESPONSE C-5:** This comment is noted. The City of San José generally does not have the authority to regulate the use of rodenticides in grassland habitats. Limiting rodenticide use is a measure that could be considered for individual projects where the City has discretion over approval of a California tiger salamander mitigation or preserve area.

**COMMENT C-6:** Comment 6. The City should manage ponds in a manner that reduces the presence of non-native bullfrogs (*Rana catesbeiana*) and non-native eastern tiger salamanders (*Ambystoma tigrinum*) that threaten California tiger salamanders and California red-legged frogs.

**RESPONSE C-6:** Specific City managed ponds that provide habitat to California tiger salamanders and California red-legged frogs are not identified in this comment. Managing ponds to reduce the presence of non-native amphibians is a measure that could be considered for individual projects outside the City's Urban Growth Boundary (UGB) and in the Almaden, Coyote, Evergreen and South San José Planning areas where these special status species may occur (refer to Table 3.5-4 in the PEIR).

**COMMENT C-7:** 7. The proposed Plan should align all trails away from tidal marsh habitat supporting the California clapper rail and salt marsh harvest mouse and away from nesting habitat for the western snowy plover.

**RESPONSE C-7:** While proposed bicycle paths and trails in the Alviso Planning Area are some of the bicycle and pedestrian facilities anticipated throughout the city in the future (see Figure 3.2-9 and Figure 3.9-4 in the PEIR), the proposed General Plan does not include trail construction in tidal marsh habitat or in saline managed ponds used by western snowy plover. In addition, Bay and Bayland Policies included in the plan call for avoidance of

development in habitats that support special-status species (Renumbered Policy ER-4.1) and limiting recreation in wildlife refuge areas (Policy ER-4.2).

**COMMENT C-8:** 8. The City should avoid planting trees and constructing buildings, towers, and transmission lines adjacent to tidal marsh areas and nesting habitat for the western snowy plover; trees, buildings, towers, and transmission lines provide hunting perches for raptors that prey on California clapper rails, salt marsh harvest mice, and western snowy plovers. The City should minimize all development near tidal marsh habitat supporting the California clapper rail and salt marsh harvest mouse and nesting habitat for the western snowy plover.

**RESPONSE C-8:** Proposed General Plan Policy ER-4.4, listed on page 465 of the Draft PEIR, calls for avoiding new development which creates substantial adverse impacts on the Don Edwards San Francisco Bay National Wildlife Refuge or results in a net loss of baylands habitat value. It is acknowledged that planting trees or constructing structures that could serve as perches for raptors adjacent to tidal marsh areas are some of the types of development that could adversely affect special status birds and mammals in these habitats. The placement of trees and structures would be reviewed at the time a specific development is proposed.

**COMMENT C-9:** 9. The City should locate landfills away from tidal marsh areas and western snowy plover nesting areas. Landfills attract California gulls (*Larus californicus*) that threaten, compete with, and prey on California clapper rails, salt marsh harvest mice, and western snowy plovers.

**RESPONSE C-9:** No new candidate solid waste sites are included on the Land Use and Transportation Diagram. There are three active landfills (Newby Island Landfill, Zanker Road Landfill and Zanker Material Processing Facility) within the city limits at the southern end of San Francisco Bay, one of which accepts putrescible waste. Candidate landfill sites are in the foothills southeast of the urban area.

**COMMENT C-10:** 10. In planning for sea level rise, the City should include a sufficient coastal buffer that will allow for the landward transgression of the salt marsh.

**RESPONSE C-10:** Sea level rise and movement of tidal marshes inland at the southern end of San Francisco Bay is discussed in Section 3.5.3.4 of the PEIR. As recognized in General Plan Policy ER-4.3, the opportunities for the creation of new marsh and upland transitional area are greatest in the City's Alviso Planning Area outside of the Urban Growth Boundary as a part of the South Bay Salt Ponds Restoration Project.

**COMMENT C-11:** 11. The City should assist the Don Edwards San Francisco Bay National Wildlife Refuge in managing mammalian and avian predators and other non-native species that threaten the California clapper rail, salt marsh harvest mouse, and western snowy plover. The City should avoid placing rip-rap near tidal marsh areas; shoreline rip-rap supports non-native Norway rats (*Rattus norvegicus*) that prey on California clapper rail nests.

**RESPONSE C-11:** The City has no authority to manage nuisance species on private property or federal lands. The advice in this comment will be referred to the WPCP for consideration when designing future slope protection on WPCP lands.

**COMMENT C-12:** 12. The City should plant *Grindelia* and other appropriate native vegetation adjacent to tidal marsh habitats to provide upland refugia for California clapper rails and salt marsh harvest mice.

**RESPONSE C-12:** This comment regarding enhancing habitat near tidal marsh habitats is noted for further consideration by the WPCP. The City has no authority to plant vegetation on privately owned property.

**COMMENT C-13:** 13. The City should develop and implement a plan for managing highly invasive non-native plant species that threaten tidal marshes, riparian areas, serpentine grasslands, and other sensitive habitats.

**RESPONSE C-13:** Several policies in the proposed General Plan (e.g. ER-2.8, ER-4.5, ER-5.3, ER-7.5, MS-21.10) address invasive non-native plant species. These policies prohibit planting of invasive species citywide in required landscaping as part of the discretionary review of future development. The City of San José has no authority over most riparian corridors or over landscaping on privately owned lands except in the context of development review.

**COMMENT C-14:** 14. An estimated 600 acres of former salt marsh along Coyote Creek, Alviso Slough, and Guadalupe Slough, have been converted to fresh- and brackish-water vegetation due to large-volume freshwater discharge from wastewater facilities in the South Bay degrading the quality of these habitats for California clapper rails and salt marsh harvest mice. The City should reduce freshwater discharges that have resulted in a significant loss of tidal marsh habitat for the California clapper rail and salt marsh harvest mouse.

**RESPONSE C-14:** The San José-Santa Clara Water Pollution Control Plant (WPCP) is currently limited to discharging no more than 120 million gallons of treated wastewater effluent per day (dry weather effluent flow) to the slough area to the north. As listed in Section 3.10.3.1 (Water Supply) of the PEIR, the proposed General Plan includes a number of water recycling policies and actions that would expand the use of recycled water from the San José-Santa Clara Water Pollution Control Plant (WPCP). Increased recycled water use could effectively reduce discharges from the WPCP to the South Bay.

**COMMENT C-15:** 15. The City should compare the proposed land uses in the Plan relative to the recovery goals identified for those lands in the *1999 Baylands Ecosystem Habitat Goals Report* (Goals Project 1999) and the *2010 Draft Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California* (Service 2010).

**RESPONSE C-15:** The proposed General Plan focuses growth within San José's existing Urban Growth Boundary. As shown on Figure 3.5-2, existing tidal marsh habitat within the city limits is found primarily outside the Urban Growth Boundary. Muted tidal/diked marsh is present north of two active landfill areas in the Alviso Planning area and along Coyote Creek, north of WPCP lands. The proposed land use designation for these wetlands within the Urban Growth Boundary (refer to Figure 2.2-19 of the PEIR) is Open Space, Parklands, and Habitat.

The 2010 Draft Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California shows a future restoration area adjacent to a saline managed salt pond (Pond A18), within an area designated as Open Space, Parklands, and Habitat. While some areas

designated for Public/Quasi-Public Uses on WPCP lands are within the Central/South San Francisco Bay Recovery Unit of the Recovery Plan, none of the lands designated for restoration are within this area.

**COMMENT C-16:** 16. The City should also analyze all of the potential direct and indirect effects of the proposed Plan on the Service's Birds of Conservation Concern and include appropriate avoidance, minimization, and restoration/compensation measures. Some of the Birds of Conservation Concern that may occur within the proposed Plan area include the black-chinned sparrow (*Spizella atrogularis*), Bell's sage sparrow (*Amphispiza belli belli*), peregrine falcon (*Falco peregrinus*), Nuttall's woodpecker (*Picoides nuttallii*), yellow-billed magpie (*Pica nutallii*), Lewis's woodpecker (*Melanerpes lewis*), oak titmouse (*Baeolophus inornatus*), burrowing owl (*Athene cunicularia*), Allen's hummingbird (*Selasphorus sasin*), Costa's hummingbird (*Calypte costae*), loggerhead shrike (*Lanius ludovicianus*), yellow warbler (*Dendroica petechial brewsteri*), Alameda song sparrow (*Melospiza melodia pusillula*), black rail (*Laterallus jamaicensis coturniculus*), tricolored blackbird (*Agelaius tricolor*), Olive-sided flycatcher (*Contopus cooperi*), black skimmer (*Rynchops niger*), whimbrel (*Numenius phaeopus*), long-billed curlew (*Numenius americanus*), marbled godwit (*Limosa fedoa*), short-billed dowitcher (*Limnodromus griseus*), and salt marsh common yellowthroat (*Geothlypis trichas sinuosa*) (pages 48 and 65 in Service 2008).

**RESPONSE C-16:** Direct and indirect effects to birds, including impacts to nesting birds, their habitats, and movement, are addressed in Sections 3.5.3.2, 3.5.3.4, 3.5.3.5, and 3.5.3.7 of the PEIR. The USFWS Birds of Conservation Concern that are considered species of special concern under CEQA, such as the peregrine falcon, burrowing owl, loggerhead shrike, and salt marsh common yellowthroat are specifically addressed in Section 3.5.3.7 with considerable background presented on habitat conditions in San José presented in Section 3.5.1.4 and 3.5.1.1. Policies and actions included in the proposed General Plan that would avoid, minimize or require mitigation measures for impacts to birds or their habitats (including those listed above) include Policy ER 2.4, ER-2.5, ER-2.8, ER-3.1, ER-3.2, ER-3.3, ER-4.4, ER-4.5, ER-5.1, ER-5.2, ER-5.3, ER-5.4, ER-7.3, ER-7.4, ER-7.5, and ER-8.1. These policies are listed on pages 464-466, 477, and 483 of the Draft PEIR and have since been renumbered as shown in Section 5 Revisions to the Text of the Draft PEIR. Two policies regarding protection of nesting birds, which are in the proposed General Plan but were not listed in the Draft PEIR (Policies ER-6.1 and ER-6.2; now renumbered to ER-5.1 and ER-5.2) have been added (refer to Section 5 Revisions to the Text of the Draft PEIR). Please note that the numbering of Environmental Resources policies in the proposed General Plan will be modified (refer to Section 5 of the Draft PEIR).

**COMMENT C-17:** 17. The City should follow the guidelines in the bird conservation plans developed by California Partners in Flight, Riparian Habitat Joint Venture, PRBO Conservation Science, and River Partners for managing, restoring, and conserving habitats for the benefit of migratory birds (California Partners in Flight 2000, 2002, 2004; Riparian Habitat Joint Venture 2004; River Partners and Riparian Habitat Joint Venture 2009; Hickey *et al.* 2003).

**RESPONSE C-17:** The proposed General Plan policies are generally consistent with the recommendations of bird conservation plans developed by the California Partners in Flight, Riparian Habitat Joint Venture, PRBO Conservation Science, and River Partners. These bird conservation plans include a number of general conservation recommendations targeting individual habitats or groups of bird species, such as avoidance of high-quality habitat, limiting impacts to particular habitat types, and restoring bird habitats that are captured within the City's policies. For example, Policy ER-1.5 protects existing oak woodland

habitat in line with the habitat protection recommendations of *Oak Woodland Bird Conservation Plan* developed by California Partners In Flight, Wildlife Conservation Society, and PRBO Conservation Science. Policies ER-2.2 and 2.3 reinforce the City’s 100-foot setback from riparian habitat and protect riparian corridors from encroachment of lighting, exotic landscaping, noise, and toxic substances, in accordance with the habitat protection recommendations of *Riparian Bird Conservation Plan* developed by California Partners in Flight and the California Riparian Habitat Joint Venture. It should be noted, however, that these conservation plans also include a number of research, monitoring, and restoration recommendations that are outside the scope of the City’s General Plan.

**COMMENT C-18:** 18. The City should incorporate bird-friendly designs on skyscrapers that reduce the rate of collision of migratory birds with skyscraper windows.

**RESPONSE C-18:** Policy ER-7.1 calls for buildings and structures located north of Highway 237 to be designed and constructed in a bird-friendly manner that would reduce the potential for bird strikes for species associated with the baylands or the riparian habitats of lower Coyote Creek. This is the area of the city where bird-friendly design is particularly important given bird movements to and from the baylands.

The City recognizes that there is an increasing body of information on design features and building management that can be employed to reduce the rate of collision of migratory birds with structures. Such measures can include considering the extent of transparent or reflective glazing (windows), employing different glazing treatments to make glass more visible to birds, use of external surfaces/designs that “break up” reflective surfaces, avoiding uplighting, minimizing light spillage and maximizing light shielding, and best management practices for lighting operations (such as the use of motion sensors or window coverings), especially during migration seasons. These measures are particularly important for multiple story buildings near wooded riparian corridors, areas of high bird activity or movement, and buildings that rise well above other buildings and can reflect landscapes. Appropriate measures may vary with location. An Action item has been added to the proposed General Plan that calls for updating City of San José design guidelines with best design practices for avoiding and minimizing bird strikes based on guidance from agencies such as the USFWS (see Section 5 Revisions to the Text of the Draft PEIR).

**COMMENT C-19:** 19. The City should follow the recommendations suggested practices in the power line guidelines published by the Avian Power Line Interaction Committee (APLIC) and the Service to minimize impacts from existing facilities and in the construction of new utility and energy systems and associated infrastructure (APLIC 1994, 1996, and 2006; APLIC and Service 2005).

**RESPONSE C-19:** While some additions to existing utilities systems would be required to serve the growth anticipated under the proposed General Plan, construction of power lines is not under the jurisdiction of the City of San José.

**COMMENT C-20:** 20. Lights should be designed with wildlife species in mind using appropriate wavelength light sources that are shaded to direct lights away from sensitive habitats. The City should follow the recommendations in Fure (2006) for minimizing the impacts of light pollution on migratory birds, bats, and other special-status species.

a. Avoid illuminating bat roosting areas (e.g., suitable crevices in overcrossings).

- b. Use low-pressure sodium lamps instead of high-pressure sodium or mercury lamps; fit mercury lamps with ultraviolet filters.
- c. Maintain the brightness as low as possible (less than 2,000 lumens (150 watts) are generally needed for security lights).
- d. Limit the times during which the lighting can be used to provide some dark periods.
- e. Direct the lighting to where it is needed to avoid light spillage; minimize upward lighting to avoid light pollution; limit the height of lighting columns to 26 feet; use plantings to screen out light.
- f. Enhance bat roosting habitat by installing bat boxes away from artificial light sources.
- g. Restrict the use of insecticides in bat foraging habitat.

**RESPONSE C-20:** Specific details of allowed lighting brightness or height are appropriately included in City municipal codes, design guidelines, and City Council lighting policies. General Plan policies provide a framework for evaluation of future projects and generally do not include specific details, such as maximum brightness of lighting measured in lumens or watts. An Action item has been added to the proposed General Plan that calls for the City to update policies and guidelines that address lighting (e.g., the Riparian Corridor Policy Study and City design guidelines for residential, commercial and industrial uses) based on guidance from Responsible Agencies. These revisions would be designed to include best practices for lighting to protect sensitive habitats and species, including birds and bats (refer to Section 5 Revisions to the Text of the Draft PEIR).

**COMMENT C-21:** 21. The City should maintain important wildlife corridors, remove barriers that significantly restrict their movements, and incorporate wildlife passage into the design of roadways.

**RESPONSE C-21:** As described in Section 3.5.3.5 of the PEIR, the proposed *Envision San José 2040 General Plan* includes updated policies that address wildlife movement, including policies to design new roads or improvements to existing roads to allow wildlife movement in Coyote Valley (e.g., Policy ER-7.2 and Policy ER-7.3).

**COMMENT C-22:** 22. The Service recommends working toward making the proposed Plan carbon neutral. Consistent with the Intergovernmental Panel on Climate Change (2007a,b) adaptation strategies mitigation recommendations, the Service recommends compensating for the proposed Plan’s carbon emissions by purchasing carbon offsets and/or restoring tidal marshes, reforestation, managing grasslands to increase carbon sequestration, and planting nest trees for raptors in areas away from transmission lines and sensitive prey species.

The Service appreciates the opportunity to comment on the Draft Program Environmental Impact Report for the *Envision San Jose 2040 General Plan Update*. We look forward to continued coordination with the City in the development of the proposed Plan. Please contact Joseph Terry, Senior Biologist, or Ryan Olah, Coast Bay/Forest Foothills Division Chief, at the letterhead address, electronic mail ([Joseph\\_Terry@fws.gov](mailto:Joseph_Terry@fws.gov); [Ryan\\_Olah@fws.gov](mailto:Ryan_Olah@fws.gov)), or at telephone (916) 414-6600 if you have any questions regarding this response.

**RESPONSE C-22:** The proposed General Plan includes a Greenhouse Gas Emission Reduction Strategy and policies designed to increase tree plantings in the community forest (refer to Goal MS-21 and associated policies and actions in Chapter 3 of the proposed General Plan). The City’s strategy focuses on reducing emissions from mobile and stationary sources and from energy and water use. Measures to increase carbon sequestration may be

considered at the time of future Major Reviews of the proposed General Plan as the science of implementing and monitoring these measures improves.

**D. RESPONSES TO COMMENTS FROM THE CITY OF SANTA CLARA, DATED AUGUST 1, 2011.**

**COMMENT D-1:** The City of Santa Clara Planning Division has reviewed the Draft Program EIR for the Envision San Jose 2040 General Plan, and has no major comments or concerns with the analysis presented.

It is understood that the City of San Jose intends to use a phased approach to implement the Plan, referred to as Horizons or Plan Horizons. It is further understood that the Draft Plan intends to accommodate most new job and housing growth within new Urban Villages and Corridors designated along existing major city transit corridors. Figure 2.21 of the Plan indicates that three urban villages are planned along roadways adjacent to the City of Santa Clara’s jurisdiction. These villages are referenced as:

- CR30 - The Alameda (West), which is shown to extend along both sides of The Alameda, from Hwy 880 to the city limit line of the City of Santa Clara.
- CR32 (A&B) - Stevens Creek Boulevard, which is shown to extend along the south side of Stevens Creek Boulevard, from Winchester Boulevard on the east, to Lawrence Expressway on the West.
- CR35 - Valley Fair / Santana Row - which adjoins the borders of the City of Santa Clara to the Southwest along Winchester Boulevard, on the north and south sides of Stevens Creek Boulevard.

It is further understood, that per Figure 2.2-34, the Plan designates future growth in the above-identified Urban Villages to occur in the Horizon 3 Phase, the proposed final phase of Plan implementation.

**RESPONSE D-1:** The information reflected in this comment is correct. It should be noted, as discussed on pages 118-119 of the PEIR, that “Signature” projects and residential development allowed by a “pool” of residential unit capacity could be approved in locations other than the current Horizon.

**COMMENT D-2:** Clarification is requested for the following:

Figure 3.2-5 indicates that a segment of Coleman Avenue extending from Highway 880 northwest to the City of Santa Clara's City limit line would be increased by one or more lanes per direction. The number of proposed travel lanes does not appear to be detailed in Tables 3.2-7 through 3.2-10, where presented for other proposed roadway network changes. Please clarify.

**RESPONSE D-2:** Coleman Avenue is and has been designated as six lanes all the way north of 880 to Santa Clara in both GP2020 and in *Envision San José 2040*. So it is not identified in Table 3.2-7 for GP changes. Figure 3.2-5 shows changes in the future (or in the model) compared to existing 2008 conditions on the ground. Coleman is not yet built out to 6 lanes near the border with Santa Clara. The addition of the lanes as shown in Figure 3.2-5 will “complete” Coleman to the planned full six lanes.

**COMMENT D-3:** Under Section 3.2.4.5 - Impacts to Adjacent Jurisdictions: Stevens Creek Boulevard and North Winchester Boulevard should be added to the list of City of Santa Clara roadways.

Also, please note that the following roadways are mistakenly identified as City of Santa Clara Roadways: North Mathilda Avenue, Crossman Avenue, and East Arques Avenue.

**RESPONSE D-3:** These corrections are included in the proposed text revisions in Section 5 of this First Amendment to the Draft PEIR.

**COMMENT D-4:** Under Section 3.2.4.5 - Impacts to Adjacent Jurisdictions, and Section 6.3.2 – Cumulative Transportation Impacts: Please consider adding as possible mitigation that, in cooperation with other agencies through the CEQA process, individual projects may mitigate for the adverse impacts of congestion in adjoining agencies through a contribution to planned or programmed roadway improvements approved by the relevant jurisdiction, in order to serve existing, approved and planned-for growth.

**RESPONSE D-4:** Such a policy, requiring developers to give money to other jurisdictions for planned but not funded improvements, would probably not be consistent with CEQA – at least not as a mitigation measure. It would also only be fair and effective if adopted by all jurisdictions in an area. (The City of Santa Clara, for example, does not appear to have such a policy in its recently updated General Plan.)

It would place San José at a severe economic disadvantage to be the only jurisdiction in the County requiring developers to pay for mitigation in other cities. San José has worked with the County and other cities (including Santa Clara) on a reciprocal basis, however, and allowed developers to contribute to programmed mitigation that is scheduled for implementation, consistent with CEQA.

**COMMENT D-5:** Under Section 6.2.1.7 - City of Santa Clara General Plan Update: It is stated “The Santa Clara Station Focus Area is adjacent to the northwestern boundary of a proposed transportation Village (VT3) within San Jose.” Figures 2.2-1 and 2.2-13 identify this area as VT5. Please clarify.

**RESPONSE D-5:** The error is corrected in the proposed text revisions in Section 5 of this First Amendment to the Draft PEIR.

**E. RESPONSES TO COMMENTS FROM THE CALIFORNIA DEPARTMENT OF CONSERVATION, DATED AUGUST 1, 2011.**

**COMMENT E-1:** The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Program EIR for the City of San Jose General Plan 2040. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

**Protect Description:**

The Envision San Jose 2040 General Plan is a comprehensive update of the Focus on the Future San Jose 2020 General Plan. Goals and policies are comprehensively revised throughout the General Plan and a series of action items added to implement new and existing policies.

Impacts to farmland from cumulative projects include approximately 300-400 acres within the 1,300 acre proposed Southeast Quadrant project. Build-out allowed under the Morgan Hill and Gilroy General Plans include approximately 120 acres of Prime Farmland in Morgan Hill, rural residential development allowed under the County of Santa Clara General Plan, over 50 acres for US 101 roadway improvements along a 7.6 mile alignment south of Gilroy, and 900-1,000 acres of agricultural land in north Coyote Valley. Although the future loss of agricultural land in north Coyote Valley has been anticipated for many years in the City's General Plan, this impact combined with other planned or possible impacts to farmland would be substantial and implementation of the Envision San Jose 2040 General Plan would contribute to a significant cumulative loss of agricultural land in southern Santa Clara County.

**RESPONSE E-1:** The discussion of impacts to agricultural lands in the PEIR identifies the remaining agricultural land within the City's Urban Growth Boundary including the 957 acres in North Coyote Valley (pages 141-142, 176-179) and the status of that land (much of which is already entitled). The PEIR also discusses possible mitigation measures (pages 193-194). The PEIR includes the information stated in this comment regarding cumulative impacts and concludes that the buildout of the proposed General Plan, particularly in north Coyote Valley, would be a cumulatively considerable contribution to the cumulative loss of agricultural land (page 845).

**COMMENT E-2:** Division Comments:

The Draft Program EIR's comments on mitigation measures for cumulative impacts to agricultural land include the following:

"While conservation easements or strengthened zoning protections for agriculture could be used to limit future loss of Prime Farmland in other parts of the County, no feasible mitigation measures are available to offset the cumulative loss of agricultural land, especially prime agricultural land, within areas previously planned and designated for development within the City's Urban Growth Boundary or areas of the County already planned and approved for development. Conversion of developed rural or suburban areas (e.g., "ranchettes" or residences on lots of five to 20 acres) back to farmland may be possible in limited areas as housing stock ages; however opportunities to convert sizeable areas back to prime farmland are limited by the challenges of assembling a sizeable group of properties, removing physical improvements (such as buildings, pavement, and underground utility lines), and cost. Therefore, the cumulative loss of agricultural land would remain a significant" and unavoidable impact.

The Division does not agree with the statement, “no feasible mitigation measures are available to offset the cumulative loss of agricultural land, especially prime agricultural land, within areas previously planned and designated for development”. Given that the City of San Jose most likely receives many of its agricultural goods from surrounding farming communities within Santa Clara County and the rest of the State; it would be in the City's best interests to consider mitigation in outlying areas of the County or regionally to help preserve these resources. The City of San Jose has areas of prime farmland within its Urban Growth Boundary and any loss of this agricultural land should be mitigated whenever possible. In addition, reduction to a level below significance is not a criterion for mitigation.

The Department's data on land use conversion shows that Santa Clara County lost a total of 22,805 acres of Important Farmland from 1984 to 2010, with an annual average loss of 877 acres per year. This cumulative loss represents a significant and permanent impact to the agricultural resources of the County and the State, and shows why the remaining agricultural resources in the County should be protected whenever feasible. In 2009, approximately \$260,139,000 in farm sales was generated in Santa Clara County. That value demonstrates the significance of agriculture to the economy of Santa Clara County.

**RESPONSE E-2:** The threshold of significance against which the impacts to farmland are measured, based on Appendix G of the CEQA Guidelines, is whether or not the project would “convert ... farmland as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.”

Although this comment states that the Department disagrees with the conclusion in the PEIR relative to the feasibility of mitigation, especially for cumulative impacts, it does not offer clarification or guidance as to how the mitigation identified on page 193 could be implemented despite the difficulties identified. The statement that “reduction to a level below significance is not a criterion for mitigation” is unclear. The PEIR points out that protecting other existing farmland somewhere else, although a benefit to agriculture is not mitigation because the impacted farmland is still lost. The purpose of the two statements that San José would benefit from protecting farmland somewhere else, and that farming generates a lot of money in Santa Clara County, is not clear in this context and neither of the statements clarify what mitigation would or could be implemented.

The PEIR does identify (in Section 3.1.4.1) conservation easements on existing farmland as an offset that could be required of development that eliminates agriculture on prime farmland. The discussion also acknowledges that conservation easements on other agricultural land does not mitigate the loss of the farmland, since it does not reduce or avoid the loss, nor does it replace the farmland – it just protects some other farmland somewhere else from being lost.

Should the City Council wish to require such easements, they can do so at any time development is being considered on prime farmland. This is a policy decision.

**COMMENT E-3:** Mitigation Measures

Although direct conversion of agricultural land is often an unavoidable impact under California Environmental Quality Act (CEQA) analysis, mitigation measures must be considered. The adoption of a Statement of Overriding Consideration does not absolve an agency of the requirement to implement feasible mitigation that lessens a project's impacts.

**RESPONSE E-3:** This PEIR does identify and discuss mitigation measures, and offers a number of proposed policies that will help to maintain agriculture outside the Urban Growth Boundary. The PEIR identifies the few remaining properties within the UGB that are still designated as Prime Farmland and also identifies that most of that land is already entitled for development. The PEIR does not anywhere state or imply that the ultimate adoption of a statement of overriding considerations would “absolve the City” of any obligation to mitigate impacts to farmland. The PEIR also does not identify any feasible mitigation that could be implemented. The option of requiring easements on other farmland elsewhere is discussed, but as a policy choice, not as mitigation.

**COMMENT E-4:** In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and therefore, mitigation is not required or cannot be accomplished. However, reduction to a level below significance is not a criterion for mitigation. Rather, the criterion is feasible mitigation that lessens a project's impacts. Pursuant to CEQA Guideline §15370, mitigation includes measures that "avoid, minimize, rectify, reduce or eliminate, or compensate" for the impact.

**RESPONSE E-4:** The argument made is that placing a conservation easement on other agricultural land does not reduce the magnitude or severity of the impact, if the impact is converting prime farmland to non-agricultural uses. If the baseline is 200 acres of prime farmland and the project converts 100 acres of prime farmland, placing a conservation easement on the remaining 100 acres does not mitigate, avoid, reduce, or compensate for the loss of the first 100 acres.

As required by CEQA, the PEIR identifies the impact to farmland that will occur if the proposed General Plan is implemented, both inside the UGB (Section 3.1.3.6) and outside the UGB (Section 3.1.3.7). This takes into consideration the policies in the proposed General Plan that provide protection for farmland outside the UGB (pages 177-178) which will limit the likelihood that the remaining farmland is also converted. In Section 3.1.4.1, there is a discussion of how conservation easements might be utilized, but the discussion points out that since conservation easements do not create any new farmland, they do not reduce or avoid the impact itself. There is also a discussion in Section 6.3.1 under Cumulative Impacts of how new agricultural land might be created on land that has been previously developed, but this approach is not believed to be feasible for the reasons stated therein. The loss of remaining agricultural land inside the UGB is considered to be unavoidable because “No feasible mitigation measures are available” (page 194). A similar conclusion is reached on page 845 for cumulative impacts.

**COMMENT E-5:** The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of

agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

One source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts, which can be found at:

<http://www.calandtrusts.org>

The California Council of Land Trusts deals with all types of mitigation banks. It is suggested that the County contact them to get an understanding of the fees associated with mitigation banking and the options available.

Another source is the Division's California Farmland Conservancy Program (CFCP), which has participated in bringing about conservation easements throughout the State of California involving Land Trust Alliance, the California Council of Land Trusts, and the American Farmland Trust. The establishment of an easement in the County may potentially be feasible. If the City were not able to make arrangements for easement mitigation through one of these or many other land trusts operating in California, the Department would be glad to help. We recommend that the Final Program EIR consider agricultural conservation easement mitigation for this project. 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 giving us the opportunity to comment on the Draft Program EIR for the City of San Jose General Plan 2040. Please provide this Department with the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411

**RESPONSE E-5:** The comparison in this comment to wildlife habitat mitigation does not explain how the two processes are similar in those areas touched on in this comment. Simply protecting other occupied habitat somewhere else does not mitigate the destruction of occupied habitat at another location, especially for an endangered species. Creation of suitable habitat, including appropriate enhancements and provision for maintenance and permanent protection can be so considered, especially if the total amount of the new habitat provided includes additional acreage to reflect temporal loss of the habitat while it is developing into habitat. Paying money into a mitigation “bank” that protects existing *occupied* habitat elsewhere on an ongoing basis does not reduce or avoid an impact that includes permanent loss of occupied habitat, which would still be a significant impact. If the mitigation bank includes improvement and/or expansion of existing habitat so that the area supports an expanded population permanently, it is mitigating loss of the same habitat elsewhere.

Payment of a fee under an adopted habitat conservation plan may be considered mitigation, since the plan itself would typically demonstrate how the fee would be used to acquire, improve, and maintain the critical habitat necessary to sustain the species.

Payments to an agricultural mitigation bank that converts land no longer fit or available for farming back into viable farmland could be considered for mitigation purposes, since it

would be creating new agricultural land. It is not known if such operations currently exist in California.

The EIR does identify conservation easements as a possible means of offsetting some of the impacts of converting agricultural land to non-agricultural land uses. The decision of whether or not to require such easements of new development on land not yet entitled in San José must be made by the decision-making body for the City of San José, the City Council. Those properties that are designated as Prime Farmland, do not have entitlements for the uses discussed, and whose development is considered likely during the timeframe of this General Plan (see list on pages 176-177) include: Cilker, Lester, iStar, and some parcels in North Coyote Valley that have not yet been entitled.

**F. RESPONSES TO COMMENTS FROM THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, DATED AUGUST 5 & 12, 2011.**

**COMMENT F-1:** The Santa Clara Valley Transportation Authority (VTA) has reviewed the Draft Program Environmental Impact Report (Draft PEIR) and the draft Envision San Jose 2040 General Plan. We have a number of comments on these documents, which are included in the attached memorandum. However, I would like to highlight here the key themes from our review.

- First, we strongly support the General Plan objectives that strive to concentrate growth within Downtown and on lands located at the center of regional transportation systems, and to create an interconnected city where activities and services are easily accessible by walking, bicycling and public transit. These General Plan objectives represent a very positive direction for the City in land use and transportation planning. VTA supports policies and projects that target development around the established transportation cores, corridors, and station areas in Santa Clara County. VTA is in the process of making major transit investments in San Jose over the next 5 to 10 years with the extension of BART and the introduction of Bus Rapid Transit service, and growth should be concentrated more heavily around these investments rather than in outlying areas.

**RESPONSE F-1:** No response is required since this comment does not ask any questions or raise any issue about the adequacy of the Draft PEIR.

**COMMENT F-2:** Second, we commend the City for establishing an objective to design streets for people, not just cars, and for identifying opportunities to modify the City's roadway network to accommodate multimodal travel, such as by defining Grand Boulevards which provide priority for transit vehicles. It is clear that the City has given serious consideration to alternative modes of transportation in the draft General Plan and the Draft PEIR; this emphasis is consistent with the goals of the Santa Clara County Congestion Management Program managed by VTA. VTA has programs that offer grants to help plan and construct multimodal transportation improvements, and we are ready to help the City implement the vision identified in the Plan.

**RESPONSE F-2:** No response is required since this comment does not ask any questions or raise any issue about the adequacy of the Draft PEIR.

**COMMENT F-3:** While VTA understands the City's rationale for emphasizing job growth and the need to create a better balance of land uses to support the provision of services, we believe that the proposed General Plan land uses do not fully support the Greenhouse Gas (GHG) reduction goals established early in the Envision process. The proximity of jobs to transit, and job concentration versus dispersal, are two of the largest factors affecting transit ridership and mode share. By continuing to disperse significant job capacity in outlying areas such as Alviso, New Edenvale, Evergreen, and North Coyote Valley, the proposed General Plan misses an opportunity to reduce Vehicle-Miles-Traveled (VMT) and GHG emissions. This approach is not fully consistent with the goals established in Senate Bill 375 and regional efforts in the development of the Sustainable Communities Strategy.

**RESPONSE F-3:** As stated in the Draft PEIR, much of the development planned in Evergreen, North Coyote Valley, and New Edenvale is already approved and has entitlements. The Evergreen employment area was originally designated by the City because of the limited roadway system providing access to the area, and the need to internalize some of the traffic from the extensive existing residential development. While the employment

uses have been slower to develop than the residential, the goal of creating some means of reducing the substantial out-migration of commute traffic in the morning and inward bound traffic in the PM peak hour is still relevant.

While Alviso is not currently served by transit, it is not an outlying area. It is immediately adjacent to SR 237 which is its only separation from the heavily developed industrial areas of San José and Santa Clara. Alviso is also immediately adjacent to commercial and industrial areas of Milpitas and Fremont to the east and northeast, with near access to I-880 via Dixon Landing Road. As stated in the Draft PEIR, it would not be inconsistent with current policies and practices to include Alviso in the existing transit system if substantial infill development occurs there (see Section 3.2.4.2 Mode Share Impact on page 269 of the Draft PEIR).

The City of San José has the largest supply of existing and planned housing, including affordable housing, of any community in the Bay Area. The location of the proposed employment areas in this General Plan are generally as close to the greatest concentrations of existing and planned housing as physically possible, and have urban infrastructure including major roadways, in place. The *Envision San José 2040 General Plan* is not starting with a blank slate, but must work both with and within a large existing community, including providing jobs for residents of the very large (albeit, lower density) residential neighborhoods that already exist in the Evergreen, Edenvale, Cambrian, and Almaden Planning Areas.

**COMMENT F-4:** The Alternative scenarios included in the Draft PEIR appear to evaluate only differences in the overall level of population and employment growth in the City, and not the degree to which this growth is concentrated versus dispersed. In our letter on the Notice of Preparation for this Draft PEIR, VTA encouraged the City include a feedback loop in the analysis of land use/transportation scenarios so that stakeholder input could be considered during the refinement of the alternatives. We request that the City consider adding another scenario that aims to achieve larger VMT and GHG reductions – through strategies such as concentrating growth in central, transit-rich areas such as Downtown and North San Jose, pricing strategies, employer-provided shuttles, and other measures.

**RESPONSE F-4:** The proposed General Plan and all of the alternatives evaluated in the Draft PEIR were developed to be consistent with the Project Objectives listed in Section 2.3. The first objective is to establish San José as a regional employment center and increase utilization of the regional transit system. This is to be done by promoting “job growth within San José’s Downtown and on employment lands located at the center of regional transportation systems” (page 126 of the Draft PEIR).

This comment suggests that the City “consider adding another scenario that aims to achieve larger VMT and GHG reductions.” The proposed project in this Draft PEIR is, as it turns out, such a scenario. The City began environmental review with what was originally called Scenario 6. Scenario 6 was developed through the Task Force process and was created at a point early in the development of the Water Pollution Control Plan Master Plan. At the suggestion of the consultant working on the Master Plan, a large quantity of job growth was estimated for the Plant lands. Subsequently, it was determined that the job growth assumed was well in excess of what could be accommodated in the area. Scenario 7 was therefore created and modeled and is the basis of the analysis in the Draft PEIR. The differences between Scenario 6 and Scenario 7 can be seen by comparing the numbers in the Fehr & Peers report in Appendix B with the numbers in the report which follows the larger Fehr &

Peers report, also in Appendix B and entitled *Project Scenario 7 and Land Use Options Scenario 7A Transportation Impact Analysis Report*.

Scenario 7 reduces planned employment in Alviso by 11,080 jobs and assigns increased job capacities mostly to various Light Rail Villages and Corridors, all served by existing LRT. A small number of jobs were added to vacant land. By making these changes, it was anticipated that an incremental reduction would occur in VMT/SP and possibly in drive-alone mode share. Instead, projected VMT/SP *increased* from 19.08 to 19.2; drive alone mode share increased slightly from 67 to 68 percent; and transit mode share *decreased* slightly from 11 to 10 percent. In the overall scope of the proposed General Plan Update, the change was a relatively minor one, and the change in impacts was also very small. Unfortunately, however, the impacts moved in the “wrong” direction.

The discussion on pages 268-269 of the Draft PEIR reflects this anomaly in the modeling outcome. It also explains how regional land use and travel patterns also contribute to the VMT/SP results presented in the Draft PEIR. Consistent with CEQA, the travel model is reasonably conservative, and preparing multiple iterations of specific land use scenarios at this time is not productive. As discussed in the PEIR (on page 261 and elsewhere), it is the City of San José’s intention to do a thorough assessment of the City’s progress toward its General Plan goals every four years. During that time, it is anticipated that better tools may be developed, and at least the City will have time to monitor its own progress toward its goals and objectives, and measure the real world effects of that progress.

**COMMENT F-5:** The Draft PEIR states that implementation of the proposed General Plan would have significant adverse impacts on 12 of 14 designated Transit Priority Corridors in the City. The DPEIR classifies this as a Significant Unavoidable Impact because it concludes that there is no assurance that transit priority techniques would reduce impacts to a less than significant level. Given that the draft General Plan’s VMT and GHG reduction strategies rely heavily on a mode shift to transit, it is vital that transit remain time-competitive on these key corridors. The draft General Plan should be revised to include stronger policies supporting the implementation of transit priority measures such as signal priority, queue jump lanes and/or exclusive bus lanes on these corridors. VTA stands ready to assist the City in implementing these priority measures, by providing grant funding, inter-agency coordination, and technical assistance.

**RESPONSE F-5:** The mitigation policies to which this comment refers are all proposed. It is not clear exactly what “stronger” policies are intended in this comment. Policy TR-3.2 says the City will “Prioritize bus mobility along Stevens Creek Boulevard, The Alameda and other heavily traveled transit corridors.” TR-3.6 says the City will “Collaborate with Caltrans and Santa Clara Valley Transportation Authority to prioritize transit mobility along the Grand Boulevards...” The transit mobility improvements could include “transit signals priority, queue jump lanes at congested intersections, and/or exclusive bus lanes.”

The City of San José is not in a position to control or manage any form of transit and cannot commit to its intensification or expansion or operations. To the extent that some signals and operations at certain roadway locations are managed by Caltrans or the County, the City cannot commit to changing those operations. Exactly what operational changes will be found acceptable by all jurisdictions, what physical impacts those changes will cause, and how they will be implemented, are all unknown at this time.

**COMMENT F-6:** The Santa Clara Valley Transportation Authority (VTA) has reviewed the Draft Program Environmental Impact Report (Draft PEIR) and the draft Envision San Jose 2040 General Plan. In addition to the key themes raised in our letter from John Ristow dated August 5, 2011, we have the following specific comments based on our review.

Transportation Analysis – Model Conformance

As described in the Envision San Jose 2040 Draft PEIR, the travel demand methodology used by the City of San Jose to determine transportation impacts is based on the use of the VTA Countywide model, adjusted and validated to more refined local conditions within the City of San Jose. City staff has worked in coordination with VTA modeling staff and has developed the model to be consistent with the methodologies used by the VTA and has provided detailed documentation of the base year 2008 model validation. VTA modeling staff has reviewed the City model documentation and has found that the model meets the CMA Local Model Consistency Guidelines adopted by the VTA Board of Directors in May 2009 in terms of methodologies and quality of the base year model validation. Subsequent to VTA staff review, the model consistency finding was adopted by the VTA Systems Operations Management Working Group and the VTA Technical Advisory Committee. The model consistency finding is expected to be approved by the VTA Board of Directors at the August Board meeting. City of San Jose staff is to be commended for preparing comprehensive model documentation facilitating VTA staff review of the modeling assumptions and base year validation, as this improves the credibility of the model results described in the Transportation section of the Draft PEIR.

**RESPONSE F-6:** The comment is acknowledged. No response is required.

**COMMENT F-7:** Transportation Analysis – Description of Model Methodology

There are inconsistencies in the description of model methodologies in Section 3.2.3.2 of the Draft PEIR and those reported in Appendix B. As an example, the process for distributing excess growth to outlying jurisdictions is more concise in Section 3.2.3.2 than the process described in the Appendix. Please ensure consistent wording between each section to minimize confusion.

**RESPONSE F-7:** The two descriptions are different (i.e., use different words) but the meaning is the same. City Staff reviewed both sections of text again and found no inconsistencies. It is accepted professional practice to sometimes rephrase technical analyses to make the explanation in the EIR text more accessible to laypersons.

**COMMENT F-8:** Transportation Analysis – Testing of Pricing Strategies

The preferred General Plan alternative has been shown to increase VMT per service population compared to existing conditions. Under proposed policies and actions that reduce or avoid adverse impacts from increased VMT, there is no direct mention of parking pricing strategies in the shorter term that may be adopted to decrease VMT. Pricing and availability of parking is a strong factor in reducing automobile travel and is also a variable that can be tested within the framework of the models. Therefore increased parking costs could be a factor in helping meet the Plan's VMT reduction goals, and can be tested in a variety of manners including increasing long and short term parking costs for specific areas of the City or through congestion cordon pricing strategies for the downtown district. As noted in our letter from John Ristow dated August 5, 2011, we recommend that the City consider adding another scenario that aims to achieve larger VMT and GHG reductions; pricing strategies would be a key part of this scenario.

**RESPONSE F-8:** Reasons for not accelerating the implementing of pricing strategies for parking are discussed in Section 8.5 Selection of CEQA Alternatives, on page 864 of the Draft PEIR. An additional factor is that parking cost is an input to the travel demand forecast (TDF) model. The TDF cannot forecast parking cost. Any attempt to predict or assume parking costs and input that information into the TDF will generate somewhat speculative results that would not be appropriate for use in an EIR. Further, the City has no influence or control over parking costs in other jurisdictions, (e.g., San Francisco, Hayward, etc.). It would be inappropriate and generally inaccurate for the City to predict or assume parking costs for other jurisdictions in the TDF.

The addition of another scenario to reduce VMT is discussed in Response F-4 above.

**COMMENT F-9:** Transportation Analysis – Mode Share Impact

In the Transportation section of the Draft PEIR (p. 270), daily BART boardings by the San José service population are reported to be 198,000. This value appears to be too high and it is recommended that staff verify this value.

**RESPONSE F-9:** This number is the projected ridership based on this proposed General Plan. Previous estimates were based on, it is assumed, ABAG projections which are different than those in this General Plan. The TDF analysis assumes full buildout of employment and housing capacities planned in this General Plan. The full buildout would attract more BART patrons according to the travel demand forecast.

**COMMENT F-10:** Transportation Analysis – Roadway Congestion and the CMP

The Draft PEIR states that implementation of the proposed General Plan would result in significant increases in congestion on already congested roadways crossing identified screenlines (Impact TRANS-3), adverse impacts on designated Transit Priority Corridors (Impact TRANS4), and increases in congestion on congested roadways in neighboring cities and on County and Caltrans facilities (Impact TRANS-5). While the Draft PEIR does not call them out as such, many of these impacted roadways are Congestion Management Program (CMP) facilities. Per state Congestion Management Agency legislation, the City will need to prepare one or more Deficiency Plans in accordance with VTA's Deficiency Plan Requirements to address these congestion impacts as they arise. Deficiency Plans can be prepared in conjunction with Area Development Policies and must contain a list of actions to help offset the vehicular level of service impacts, and an implementation plan with specific responsibilities and a schedule.

The preparation of a Deficiency Plan can be an opportunity to implement multimodal (non-automotive) transportation improvements as off-setting measures. As noted in Policy TR-5.3 of the draft General Plan, these off-setting improvements can include improvements to transit, bicycle, and/or pedestrian facilities. They may also include the implementation of transit priority measures such as signal priority, queue jump lanes and/or exclusive bus lanes, or developer funding of shuttles to connect employment or residential sites to the regional transit system. VTA recommends that the discussion of roadway congestion impacts and mitigation measures in Section 3.2 of the Draft PEIR be revised to reference the VTA Congestion Management Program Deficiency Plan process.

**RESPONSE F-10:** There is a discussion of the Congestion Management Plan, including the preparation of Deficiency Plans, in the Draft PEIR starting on page 234. Off-setting

measures as described in this comment may be methods of achieving plan conformance but they are usually not mitigation measures as defined by CEQA.

The City of San José will be working with VTA and other cities in the region to monitor traffic Levels of Service on all Congestion Management facilities according to VTA's technical standards and procedures. Deficiency Plans will be prepared in consultation with VTA and affected jurisdictions when the level of service of Congestion Management facilities falls below the CMP threshold. Preparing a Deficiency Plan for the entire City of San José would be inappropriate at this time, and would not qualify as mitigation.

**COMMENT F-11:** Description of Proposed Transit Improvements – BART Extension

The description of the planned BART extension to Silicon Valley in Section 3.2 of the Draft PEIR is out of date and should be replaced by the following:

“As shown on Figure 3.2-8, the BART system is proposed to extend 16 miles from the planned terminus at the Warm Springs station in Fremont (currently under construction by BART) to Santa Clara via Downtown San Jose. The extension through San Jose is being implemented by the Santa Clara Valley Transportation Authority and will be constructed in phases. The 10-mile first phase, currently in design, will commence construction early in 2012 with service expected to begin in 2018. This first phase will include two stations, one in Milpitas and the other in the Berryessa community of San Jose. The remaining segment is planned to include stations at Alum Rock, Downtown San Jose, San Jose Diridon, and Santa Clara. The route will be fully grade-separated including a subway through Downtown San Jose. Trains are expected to arrive on this extension every 7.5 minutes initially, increasing to one train every six minutes in the future, and would serve the routes to Daly City via San Francisco and to Richmond via Oakland. The 16-mile extension is estimated to have approximately 90,000 riders per day on an average weekday by 2030.”

**RESPONSE F-11:** The estimated ridership in this comment is based on numbers different from those proposed in the *Envision San José 2040 General Plan*. The text is added to the PEIR in Section 5 Proposed Revisions to the Text of the Draft PEIR with that qualification.

**COMMENT F-12:** Land Use and Transportation Diagram – Designation of Former UPRR Corridor South of US101

The VTA Silicon Valley Rapid Transit (SVRT) Program Office will submit specific comments on the designation of former Union Pacific Railroad (UPRR) lands south of US 101 in a subsequent comment letter.

**RESPONSE F-12:** No response is possible to this comment. Please see Response F-18 below.

**COMMENT F-13:** Land Use and Transportation Diagram – Designations at Park & Ride Lots and Transit Centers

As a general comment, VTA is pleased with the collaborative effort the City of San Jose has made to intensify land uses around transit and promote transit-oriented development along the light rail, Bus Rapid Transit and future BART corridors. There are very few VTA Park & Ride lots and transit

centers that are not designated with a Village overlay or a compatible land use designation. However, we would like to point out a few remaining properties that merit attention:

- Cottle LRT Station and Park & Ride is a potential transit-oriented development site and is designated as a potential joint development in VTA’s Joint Development Portfolio. The majority of the Park & Ride is designated as Neighborhood Community Commercial but not its entirety. In addition, the areas to the north and south of the Park & Ride have a Village overlay but the VTA Park & Ride does not. (DPEIR Figure 2.2-22)
- It is our strong preference to have a Village overlay at the VTA-owned parking lot adjacent to the Capitol Caltrain station (DPEIR Figure 2.2-22)
- The Tamien Specific Plan area is not updated per the agreed changes related to the VTA sale of 3.5 acres of the station to City of San Jose for use of a park (DPEIR Figure 2.2-22)

VTA requests that the City make the relevant changes to the designations in the Land Use/Transportation Diagram in the Draft PEIR as well as in the draft General Plan document.

**RESPONSE F-13:** The land use designation changes that are listed here were evaluated by the City’s Task Force during formulation of the *Envision San José 2040 General Plan*. During that process, the numbers of changes, the quantity of jobs and dwelling units were evaluated and a balanced scenario that is consistent with the project objectives was proposed, based on an economic analysis prepared for the City of San José.

Those land use changes were not proposed, were not evaluated by this PEIR, and cannot be added to the General Plan at this time.

**COMMENT F-14:** Land Use and Transportation Diagram – Residential Densities and Commercial Intensities

VTA supports the proposed intensification of land use in core areas and near existing and planned transit stations as outlined in the land use designations in Chapter 5 of the draft General Plan. It is not clear from these descriptions which of these land use categories would include residential density minimums and commercial Floor Area Ratio minimums, and whether these would be binding or advisory. VTA recommends including density and intensity minimums in key areas of the City near transit stations and corridors, such as near the planned Berryessa BART station and Diridon Station. Implementing density minimums in the General Plan and the zoning code would acknowledge the important role of these lands in generating transit ridership and contributing to VMT and GHG reduction goals, and ensure that these lands are utilized to the greatest extent possible.

**RESPONSE F-14:** Land Use designations that are intended to support substantial numbers of dwelling units have minimum densities. Urban Villages, for example, must develop with a minimum density of 50 DU/AC for all locations that are intended to include a significant residential component. Likewise, the new urban land use designations include minimum floor area ratios (FAR) for non-residential uses to ensure that future development occurs at the urban density necessary to provide the jobs and housing planned.

**COMMENT F-15:** Land Use and Transportation Diagram – Multimodal Streets and Roadway Network Changes

VTA commends the City for including specific actions to retrofit existing streets to accommodate multimodal travel options including bicycle lanes and wider sidewalks, as summarized in Table 3.2-9

of the Draft PEIR. We encourage the City to identify other streets that may be candidates for these ‘Group 3 Actions’, particularly near transit stations and corridors and in Village areas, and include these in the Draft PEIR and draft General Plan. In addition, we encourage the City to reconsider the proposed widening of Zanker Road from SR237 to Montague Expressway, as noted in Table 3.2-10 of the Draft PEIR. We believe that widening Zanker Road to 6 travel lanes will create an unnecessary barrier to pedestrian travel in an area with thousands of recently constructed and planned residential units, and discourage walk access to nearby light rail stations. In addition, we believe that the proposed widening is inconsistent with the proposed Village designation for these areas which is intended to create walkable, human-scale neighborhoods. We encourage the City to coordinate with VTA and other stakeholders regarding re-designation of Zanker Road in the draft General Plan.

**RESPONSE F-15:** North San José is planned to accommodate a substantial component of the increased future jobs and housing in San José. North First Street, which is the parallel north/south route west of Zanker Road, contains light rail tracks and already accommodates substantial traffic, which will increase with the completion of the regional commercial development at the southeast corner of North First Street and SR 237. The segment of Zanker Road between SR 237 and the US 101 freeway (mistakenly listed as Montague Expressway in Table 3.2-10) is almost completely built to planned width (six lanes). Among other uses, a major bus yard for VTA takes its sole access by way of this segment of North Zanker. Reducing the right-of-way width for North Zanker Road was evaluated by the City and is not considered feasible as part of this General Plan Update. The six-lane Zanker Road is identified in the North San José Deficiency Plan previously approved by VTA.

The City is not proposing to reduce the vehicle capacity for North Zanker Road at this time, and that option was not evaluated in this PEIR.

Future multi-modal streets are not limited to the “Group 3 Actions” in Table 3.2-9. Table 3.2-9 lists streets or segments for which reduction of vehicular lanes are prerequisites for installation of multi-modal streets. Other multi-modal streets not requiring vehicular lane reduction are not included in the table.

**COMMENT F-16:** Land Use and Transportation Policies – Connectivity

VTA supports the inclusion of roadway network changes that improve the connectivity of the transportation system, such as the extension of Chynoweth Avenue from Almaden Expressway to Winfield Boulevard and the extension of Charcot Avenue from O’Toole Avenue to Oakland Road, as identified in Table 3.2-10 of the Draft PEIR. Improving the connectivity of the transportation system can have a number of benefits, providing connections for automobiles, pedestrians, and bicyclists between residential areas, jobs, transit, shopping and services, schools, trails, and bicycle lanes. Improving connectivity in this way is likely to reduce the overall length of automobile trips, ease the burden on already-congested intersections and ultimately reduce vehicle-related emissions.

In addition, VTA recommends that the City consider including locations for new crossings (either roadway or bicycle/pedestrian-only) over freeways at key locations around the city. These crossings, such as a potential extension of Branham Lane over US 101, can help reduce congestion at key interchanges by diverting local vehicular and non-vehicular traffic away from freeway facilities, thereby reducing turning movements at ramps and improving operations and safety.

**RESPONSE F-16:** Such crossings do not require General Plan amendments to accomplish and will be considered by the City in consultation with VTA and Caltrans in the future.

**COMMENT F-17:** Land Use and Transportation Policies – Regional and State VMT Reduction Efforts & Intelligent Transportation System

VTA commends the City for including policies in the draft General Plan supporting congestion pricing as well as toll lanes on all major freeways and expressways in Santa Clara County (Policies TR-11.2 and TR-11.3). These policies are consistent with the objectives of VTA’s Silicon Valley Express Lanes Program, which aims to maximize the efficiency of the roadway network, improve travel time reliability and commuter options, and create a source of revenue for operations and maintenance and transit improvements. We recommend that these General Plan policies be modified to specifically reference the “Silicon Valley Express Lanes Program.” VTA also supports High Occupancy Vehicle (HOV) Lanes and Ramp Metering as means for managing traffic congestion on the freeways and expressways, and we recommend that “HOV Lanes” and “Ramp Metering” be noted under Goal TR-11 or Goal TR-12.

**RESPONSE F-17:** The City supports express or toll lanes, HOV lanes and ramp metering as effective tools of traffic management. The City did not include the specific name of the “Silicon Valley Express Lanes Program” because it might be modified or the name changed in the next 25 years, making the General Plan inconsistent.

**COMMENT F-18:** This correspondence supplements VTA’s previous comment letter and is focused solely on the proposed land use designation for the former Union Pacific Railroad (UPRR) corridor from south of US 101 to East William Street.

VTA supports the overall strategy of the Envision San Jose 2040 General Plan; however VTA wants to maintain flexibility in the use of all available VTA-owned property to implement the BART extension to Downtown San Jose. VTA requests that the abandoned railroad corridor between US 101 and East William Street (currently VTA property) land use be changed from a park designation to a Transportation and Utilities or Public/Quasi-Public land use designation, or revert to non-park adjacent land uses similar with what is shown in the San Jose 2020 General Plan Transportation/Land Use Diagram north of Julian Street. A park land designation could compromise the BART project.

VTA will be developing a funding plan for the remaining segment of BART Silicon Valley, in anticipation of a subsequent federal New Starts funding request. Federal funding eligibility is contingent upon issuance of a Record of Decision for an Environmental Impact Statement (EIS), among other FTA eligibility criteria. For federally funded US Department of Transportation (USDOT) and FTA projects, impacts to park land are evaluated under a specific park-protection law (Section 4(f) Evaluation) and require additional environmental approvals from FTA and the US Department of the Interior. Impacts to park land could compromise federal funding eligibility and delay construction of the BART Silicon Valley extension to downtown.

VTA is evaluating the future use of the rail corridor now and would like to meet with city Park staff to discuss the potential opportunity to dispose or lease the VTA-owned rail corridor properties if the properties are deemed unnecessary for transit use. The meeting would provide an opportunity to discuss our current efforts related to the BART extension to downtown. VTA would like to better understand the city’s goal and alignment for the Five Wounds Trail and its relationship to the BART Silicon Valley project.

SVRT Program Office and Real Estate will be contacting the City of San Jose to set up a meeting to discuss this item and address this land use issue in a manner that can benefit both VTA and the City of San Jose.

**RESPONSE F-18:** Staff from appropriate City departments will be meeting with VTA staff on these issues.

**G. RESPONSES TO COMMENTS FROM THE COUNTY OF SANTA CLARA, DATED AUGUST 12, 2011.**

**COMMENT G-1: 1. Biological Resources**

The PEIR acknowledges (Page 471) that buildout under the proposed 2040 General Plan will result in new vehicle trips, creating new vehicle emissions resulting in nitrogen deposition impacts to serpentine grassland habitat. This indirect impact (vehicle emissions and nitrogen deposition) to sensitive habitat that supports a variety endangered species is one of the main reasons the Santa Clara Valley Habitat Plan was prepared.

In describing this environmental issue, the Draft PEIR concludes that the impacts from buildout of the 2040 General Plan are significant and unavoidable. This conclusion appears to be in direct conflict with the analysis and findings of the Santa Clara Valley Habitat Plan (Public Draft, December 2010). The Habitat Plan, prepared under a local partnership that includes both the County and City of San Jose, evaluates nitrogen deposition impacts to serpentine habitat from future urban development in Santa Clara County and provides programmatic mitigation for the protection of this sensitive resource.

While the Habitat Plan is currently undergoing revisions and several options regarding impact fees and funding for nitrogen deposition impacts are under discussion, there is no evidence that implementation of the Habitat Plan is infeasible. As such, the County suggests that the City carefully reconsider the conclusions in the PEIR regarding this impact, including a consideration of the State mandated CEQA findings that must be made by the City in adopting the 2040 General Plan.

**RESPONSE G-1:** As discussed on Page 471 of the Draft PEIR, the timeline for adoption of the HCP/NCCP has been delayed and the scope of the draft HCP/NCCP could be modified. In addition the City cannot commit to designing and implementing a system of serpentine grassland preserves on its own given its current financial resources. Given the lack of an adopted HCP/NCCP to address nitrogen deposition impacts and lack of resources for the City to implement its own system this impact would remain significant and unavoidable.

**COMMENT G-2: 2. Cultural and Paleontological Resources**

Section 3.11.1.5 (Identified Cultural Resources): Beginning on page 691, the PEIR refers to the “Santa Clara County Historical Conservation Districts” including the areas New Almaden, Portuguese Ranch, and Rancho Santa Teresa/Rancho Santa Teresa Historic District. These areas are identified in the Santa Clara County Heritage Resources Inventory as “Historic Districts H1, H2, and H4,” and not Historical Conservation Districts. These should not be equated or confused with the County “-h” Historic Preservation Combining Zoning Districts, as defined in the County’s Zoning Ordinance, Ch.3.50.

**RESPONSE G-2:** The comment is acknowledged. Page 691 has been revised as shown in Section 5 Revisions to the Text of the Draft PEIR.

**COMMENT G-3: Chapter 1: Envision San Jose 2040**

1. Pg. 1-8 contains a statement that City boundaries extend as far east into the Diablo Range as Copernicus Peak, at 4,372 feet, east of Grant Ranch Park. This appears to be a misstatement of fact.

This peak is several miles east of the city’s Sphere-of-Influence. No city boundary or planning boundary extends to Copernicus Peak.

**RESPONSE G-3:** Comment acknowledged. The text of the General Plan has been changed to reflect the information.

**COMMENT G-4:** 2. Pg. 1-20 contains discussion of “Grand Boulevard” street concepts within San Jose, which is an extension of the Grand Boulevard Initiative (GEI) for El Camino Real in San Mateo County and Santa Clara County. The section should be expanded to include the work efforts of the Grand Boulevard Initiative and its multi-year planning process, and its particular relevance to the portion of El Camino Real as it extends southward from Santa Clara into San Jose, where it becomes The Alameda.

**RESPONSE G-4:** The proposed *Grand Boulevard* designation may be consistent with the El Camino Real initiative, but is independent of it. This comment refers to the text in the General Plan, and does not raise any question regarding the adequacy of the Draft PEIR and therefore no further response is required.

**COMMENT G-5:** 3. Pg. 1-23 contains discussion of the City’s Greenline/Urban Growth Boundary (UGB) and appropriately references mutual, cooperative growth management policies of the incorporated cities and County to maintain rural character of rural areas and to allow urban growth and development only within Urban Service Areas, where it can be safely accommodated and efficiently provided with urban services. In reference to the City’s and County’s mutual commitment to these policies, it should refer to City-adopted UGB/Greenline policies and to the County’s Growth & Development Chapter policies of its General Plan regarding countywide growth management / urban development policies.

**RESPONSE G-5:** The comment refers to the General Plan text, and does not raise any question regarding the adequacy of the Draft PEIR and therefore no further response is required.

**COMMENT G-6:** 4. Pg. 1-68 contains discussion of the city’s Focused Growth - Planned Growth Areas strategy. It also includes mention of a “hubs, corridors, and villages” strategy to help preserve neighborhoods, minimize disruption to existing, developed, areas where growth and intensification is not desired, and reaffirms city policy to accommodate all urban job and housing growth within the city’s Urban Growth Boundary (UGB). The strategies and policies stated in this section are consistent with County General Plan policies for countywide growth and development. The County would also urge the City to make sufficient allowance and provision for all forms or types of urban uses, including institutional uses within its UGB.

**RESPONSE G-6:** This comment refers to the General Plan text, and does not raise any question regarding the adequacy of the Draft PEIR and therefore no further response is required.

**COMMENT G-7:** Chapter 2. Thriving Community

Policies for Fiscally Sustainable Land Use Framework, beginning p. 2-16

5. Policy FS-3.8 on p. 2-17 references city policies and correlating County Urban Service Area policies. These policies seek to generally maintain current USAs so as to prevent unwarranted urban

sprawl and prevent rural lands generally unsuitable for urban growth and development from being included in city USAs. In this regard, the County concurs with the importance of maintaining existing USA and UGB boundaries, but would advise City to provide sufficient flexibility to allow for minor corrections and adjustments, specifically in regard to small parcels at USA edge that are divided by 15% slope line and current USA. By reference to County mapping and official LAFCO and County Surveyor's Office mapping, there area small number of parcels that are divided by the USA and subject to both the City's and the County's General Plan for allowable uses, subdivision densities, and lot line adjustments. The County encourages the City to allow for USA adjustments so that such small parcels may be located either in or out of the USA for simplicity and clarity. This should be an explicit implementation measure included in the 2040 General Plan.

**RESPONSE G-7:** Policy FS-3.8, "Maintain the City's current Urban Service Area boundaries. Expansion of the Urban Service Area should only be considered when necessary to provide services to existing development in need of urban services and when such expansions are consistent with LAFCO rules. Coordinate with the County to prevent future Urban Service needs beyond the current USA boundaries", accurately reflects the City's position on the issue of revising the Urban Service Area boundary. The comment does not raise any question regarding the adequacy of the Draft PEIR and therefore no further response is required.

**COMMENT G-8:** 6. Policy FS-3.12 on p. 2-18 encourages County and LAFCO to cooperate and promote annexation of county islands ("pockets"). The County and LAFCO have partnered in recent years with various cities, including San Jose, in this regard. The City's General Plan should state that as a general goal and in furtherance of the joint city-County urban development policies, the cities should assume responsibility for annexing remaining islands. To address future island annexation issues, attendant fiscal issues, and other aspects of island policies, the City's policy(s) should state that it will work cooperatively with the County, LAFCO, and other stakeholders to address the subject and continue the significant progress that has been made to date.

**RESPONSE G-8:** This comment refers to the General Plan text, and does not raise any question regarding the adequacy of the Draft PEIR and therefore no further response is required.

**COMMENT G-9:** 7. Policy FS-3.13 on p. 2-18 promotes and encourages other jurisdictions to take on a greater share of the region's housing needs to promote jobs-housing balance for San Jose and the region as a whole. While the County agrees that each city in Santa Clara County should provide its fair share of urban housing need, the County itself would not have a role in taking on greater shares of regional urban housing needs. This policy should be directed towards the other cities, consistent with joint city-County policies for urban growth management. In Santa Clara County, the cities are responsible for planning for and accommodating future urban growth and development needs.

**RESPONSE G-9:** The comment does not raise any question regarding the adequacy of the Draft PEIR and therefore no further response is required, however, Policy FS-3.13 was revised to read, "Encourage other ~~jurisdictions~~ cities within the region to take on a greater share of the region's housing needs to promote an improved regional jobs-housing balance."

**COMMENT G-10:** 8. Policies FS 5.9 and FS 5.10, on p. 2-20 under the heading of Fiscally Sustainable Service Delivery, prescribe that the city's USA not be expanded to include Coyote

Urban Reserve (CVUR) or South Almaden Valley Urban Reserve (SAVUR) in the 2040 plan horizon and to maintain rural character of those areas. The County agrees with intent and policy as stated, and proposes to maintain existing County General Plan Land Use designations currently applicable to those areas, consistent with the Envision San Jose 2040 General Plan.

**RESPONSE G-10:** This comment refers to the General Plan text and does not raise any question regarding the adequacy of the Draft PEIR and therefore no further response is required.

**COMMENT G-11:** Chapter 5: Interconnected City – Land Use and Transportation Diagram

9. Pg. 5-3 contains discussion regarding the city’s UGB and related policies, under the heading “Establish Fixed Urban Growth Boundary.” This discussion explains that with state of the art topographic mapping and data, it is possible to firmly establish the 15% slope line and show it on a Land Use/Transportation diagram. It further asserts that the City should not expand UGB beyond this 15% slope line. The County is in general concurrence with this component of the City’s growth management policies, but urges the City that such policies not be interpreted or written so rigidly as to preclude a minor adjustments to address small parcels split by the USA. If parcels with a majority of land area above the 15% slope line should be removed from the USA for consistency with this policy, the County would encourage coordination of such modifications with LAFCO and the County when potential retractions of the USA are appropriate.

**RESPONSE G-11:** The City will notify the County and LAFCO if any such actions are proposed. The comment does not raise any question regarding the adequacy of the Draft PEIR and therefore no further response is required.

**COMMENT G-12:** Land Use Designations – Open Hillside

10. The description and policies found on pages 5-16 to 5-18 for the Open Hillside land use designation are generally consistent with County Land Use designations of Hillside and Ranchlands applied to non-urban areas outside the USA in San José’s (SOI). The Open Hillside designation policies for residential use and densities are generally consistent with those of the County’s General Plan, except that in the County’s Hillside designation, where the 20-160s slope density formula may only apply where residential subdivision is proposed as a cluster subdivision, preserving no less than 90% of the land in permanent open space.

For Open Hillside Non-residential uses, the City’s General Plan allows rural institutional uses that are of an appropriate non-urban form and character, with reference to County General Plan policy language for such uses from County GP policy R-LU 18. That County policy (and related policies R-LU 25-27) allow for certain low intensity institutional uses that require a remote, rural settings or that support the recreational, productive use, study and appreciation of the natural environment. In a similar way, the City General Plan also refers in this section to allowing “conference, retreat, and rehabilitation centers.” The County concurs with need for policy consistency for these areas and land use matters, and urges the City to re-emphasize the importance of allowing only low intensity, non-urban forms of these institutional uses by means of this and related policies. Conference centers, retreats, and rehabilitation centers are often conceived as being allowed by the City and by the County in non-urban areas regardless of size or use intensity, which is not the case.

**RESPONSE G-12:** The comment does not raise any question regarding the adequacy of the Draft PEIR and therefore no further response is required. The City will only allow development consist with the General Plan land use designation.

**COMMENT G-13:** Chapter 6: Land Use and Transportation

11. Under the heading of Urban Agriculture, beginning p. 6-17, the City 2040 Plan promotes various means of allowing new and varied forms of urban agriculture. This effort includes city Zoning Ordinance amendments to foster urban agriculture in appropriate urban zoning districts. Policies for Urban Agriculture also refer to preserving agricultural lands and prime soils in non-urban areas. The County concurs with these and other policies LU-12.1 through LU-12.11, including the “Actions” policies. The County encourages San Jose and other cities to coordinate in this regard in the development of a County General Plan Health Element, which is in the early stages of development. Also, Policy Action statement LU-12.10 appears to be referring primarily to the County’s Public Health Department, rather than the County’s Department of Environmental Health, although each may have a role to play in the educational efforts addressed in this policy “action” statement.

**RESPONSE G-13:** This comment refers to the General Plan text, and does not raise any question regarding the adequacy of the Draft PEIR and therefore no further response is required.

**COMMENT G-14:** 12. P. 6-33 to 6-34, under Goal LU-20 Rural Agriculture, the plan presents a series of policies LU-20.1 to 20.9 on the subject of preserving rural agriculture and promoting sustainability goals for local food production. The County supports these policies as being consistent with the County’s General Plan policies on the subject, and encourages appropriate coordination with the County and other stakeholder organizations, including the Open Space Authority, among others, to these ends.

**RESPONSE G-14:** This comment refers to General Plan text, and does not raise any question regarding the adequacy of the Draft PEIR and therefore no further response is required.

**COMMENT G-15:** Section 2.5 Consistency with Adopted Plans

The Draft PEIR should include the County of Santa Clara General Plan and *Santa Clara County Countywide Trails Master Plan Update* (which is an adopted section of the General Plan’s Park and Recreation Element) as relevant land use plans for the Draft PEIR discussions related to consistency of applicable plans for PEIR Sections 3.9 Public Facilities and Services and 3.2 Transportation.

**RESPONSE G-15:** Reference to the *Santa Clara County Countywide Trails Master Plan Update* has been included in Section 2.5 Consistency with Adopted Plans, refer to Section 5 Revisions to the Text of Draft PEIR.

**COMMENT G-16:** Section 3.1.1.3 Existing Land Use (Agriculture/Farmland)

Table 3.1-1 (Prime Farmland within the City of San Jose UGB) on page 142 should be corrected for “Lands of Lester - Branham and Snell.” The land is no longer owned by Mr. Lester. The land is jointly owned by the County of Santa Clara and the State of California. The property is known as Martial Cottle Park, not “Lands of Lester” since the property transferred in 2004.

**RESPONSE G-16:** The text on page 142 has been revised as shown in Section 5 Revisions to the Text of Draft PEIR.

**COMMENT G-17:** Section 3.1.3.6 Impacts to Agricultural Resources.

The Draft PEIR describes the former Lester site (now the Martial Cottle Park site) as the following on page 176.

Lester (Edenvale Planning Area) - The County is planning a future park for the site. A house on the property may still be occupied. Land does not appear to still be under cultivation.

The above description should be revised with the following information:

~~Lester~~ *Martial Cottle Park (Edenvale Planning Area) - Martial Cottle Park is a County park and State Park jointly owned by the County of Santa Clara and the State of California. The County of Santa Clara Board of Supervisors approved a Master Plan for Martial Cottle Park on February 8, 2011, and the California State Park and Recreation Commission approved a General Plan for the park on March 2, 2011. The site will be developed as a public historic agricultural park which will continue agricultural uses in perpetuity to comply with deed restrictions associated with the property transfer from the donor, Mr. Walter Cottle Lester. Land continues to remain under cultivation.*

**RESPONSE G-17:** The identified text has been revised as suggested. Refer to Section 5 Revisions to the Text of Draft PEIR.

**COMMENT G-18:** Section 3.2.1.7 Pedestrian and Bicycle Circulation

Under the Trails and Pathways section, the Draft PEIR does not include adequate discussion of the Bay Area Ridge Trail and Juan Bautista de Anza National Historic Trail which are part of the City's Coyote Creek Trail and Bay Trail system. In addition, the Draft PEIR should also discuss how the Citywide trails system integrates into the Countywide (regional) trails system within Santa Clara County, where the Santa Clara County Countywide Trails Master Plan Update map (1995) provides the overall framework for the regional trails system which guides the citywide trails such as Coyote Creek Trail, Los Gatos Creek Trail, Guadalupe River Trail, and etc.

**RESPONSE G-18:** The Draft PEIR identifies both the Bay Area Ridge Trail and the Juan Bautista de Anza National Historic Trail in Section 3.2.1.7 and Section 3.9.1.6 as part of the Countywide Trails Master Plan discussion (pages 235, 606, and 617) . Section 3.9.3.4 Parks discusses the City's goals for developed trail miles by 2022 and 2035 as part of the Green Vision and Greenprint, respectively. General Plan policies identified in Section 3.9.3.4 are supportive of trail construction and require new development to construct trails when located adjacent to a designated trail location.

**COMMENT G-19:** The Draft PEIR does not adequately identify the future need for expanding regional park resources in the Almaden Planning Area. In 2009, Calero County Park was expanded with the addition of the 966 acre Rancho San Vicente property. This expansion of Calero County Park now provides potential for future public access to Calero County Park from McKean Road within the City's Urban Growth Boundary.

**RESPONSE G-19:** As indicated in this comment, the expansion of Calero County Park with the 966-acre Rancho San Vicente Property provides substantial additional regional

parkland to serve San José residents. Unlike Neighborhood/Community Serving Parkland, regional parkland provides recreational space for all of the City’s Planning Areas.

**COMMENT G-20:** County Parks supports the City’s Parks, Recreation and Neighborhood Services and the Department of Transportation’s recommendations to propose inclusion of Fortini Road in south San Jose as a planned bikeway to serve as a preferred connecting route between Santa Teresa County Park and the newly acquired Calero County Park parklands fronting McKean Road. Inclusion of Fortini Road as a planned bikeway in the City’s Bikeways Plan 2020 would facilitate cross valley connections to the Bay Area Ridge Trail, Juan Bautista de Anza National Historic Trail, the Countywide Trails Master Plan’s Sub-regional Trail Route S6, West Valley Trail, and the City’s Los Alamitos Creek Trail.

**RESPONSE G-20:** The San José Bike Plan 2020, as adopted in 2009, does not include Fortini Road as a Class I, II, or III bikeway. Due to low traffic volumes and the low density of development in the area Fortini Road may be considered for a Class III bikeway designation as part of future updates to Bike Plan 2020.

**COMMENT G-21:** Section 3.9.1.4 Parks and Recreation

The Draft PEIR states that, “...the City is deficient in school recreation and City-owned Citywide/regional parkland,” as demonstrated in Table 3.9-3 (page 599) with a current deficiency of 5,449 acres of City-owned citywide/regional parkland. In addition, the Draft PEIR states that, “[i]n order to meet the 2020 General Plan service level objective of 7.5 acres per 1,000 population for citywide/regional parklands within the City’s boundaries, the City partners with the Santa Clara County Parks Department and the Santa Clara County Open Space Authority and the Don Edwards National Wildlife Refuge to provide such regional parks and open space lands.”

Under Table 3.9-5 (page 616) City Parkland Requirements for ESJ 2040 General Plan, the projected deficiency of Citywide/Regional Parkland (City-owned) is 8,005.1 acres. Since the City already has a current parkland deficiency of 5,449 acres based on the existing 2020 General Plan goals, as shown in Table 3.9-3 (page 599), the Draft PEIR should address the impacts related to the additional increased parkland deficiencies of the 2040 General Plan goals. The 2040 General Plan goals identify an additional 2,556.1 acres of projected parkland deficiency above the current 2020 General Plan goals, which the Draft PEIR does not adequately address as a significant impact.

**RESPONSE G-21:** The City’s citywide/regional park and open space land goal of 7.5 acres per 1,000 population includes facilities provided by the City of San José and other public land agencies. With the inclusion of regional parkland provided by other public land agencies there is adequate access to regional park facilities to meet San José’s goal through 2035.

**COMMENT G-22:** As stated in the Draft PEIR, “the proposed General Plan would result in an estimated population of 1,313,811 by 2035. Residential development allowed under the proposed General Plan would increase the demand for park and recreational facilities and exceed the previous estimates for parkland acreage identified in the Greenprint.” (Section 3.0, page 616) The PEIR is based on a Preferred Scenario which provides growth capacity for development of up to 470,000 additional jobs and 120,000 new dwelling units through 2035. In addition to an increased residential population, the City will be anticipating an increased workforce population which will need park and recreational facilities to serve them.

Consequently, the Draft PEIR is inadequate in addressing the following Parks impacts related to the identified parkland deficiencies for the 2040 General Plan goals:

- The Draft PEIR does not adequately address the significant impact levels associated with the overall parkland deficiency of 8,005.1 acres, specifically the additional 2,556.1 acres of projected parkland deficiency above the current 2020 General Plan and 2009 Greenprint goals. The PEIR identifies proposed General Plan policies and actions that may reduce or avoid adverse impacts to parkland and community recreational facilities on pages 617-619. However, the PEIR does not quantify or demonstrate how these policies and program-level mitigation measures are able to adequately address the significant levels of park impacts related to projected parkland deficiencies associated with the 2040 General Plan goals. For example, the PEIR does not discuss is the amount of new urban open space and parkland recreation areas that would be provided with the implementation of Policy PR-1.9, which states, “As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately, or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.”

**RESPONSE G-22:** Parkland available to City residents would also be available as an amenity to the planned workforce population. The residential and workforce population would likely use these facilities at different times of the day and week which would prevent overcrowding of the available park space. The planned residential population of San José exceeds that of the planned workforce population, therefore, basing the acreage standard on the residential population would provide recreational space for the City’s workforce. Employment land uses do not pay PDO/PIO fees.

Implementation of the City’s Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) will ensure that new development does not contribute to existing parkland deficiencies. Development within Urban Villages will be required to provide park and open space facilities consistent with the PDO/PIO and would not contribute to existing parkland deficiencies.

**COMMENT G-23:** The existing regional parklands within the Urban Service Area/Urban Growth Boundary will be adversely impacted by the increased demand for park and recreational facilities, which include Citywide regional facilities (Almaden Lake Park, Alum Rock Park, Lake Cunningham Park, etc.) and County-provided regional park facilities within the City’s USA/UGB (Almaden Quicksilver, Alviso Marina, Calero, Coyote Creek Parkway, Joseph D. Grant, Hellyer, Martial Cottle Park, Penitencia Creek Parkway, and Santa Teresa County Parks). The Draft PEIR does not address the increased impacts to existing citywide and countywide regional parks nor provide program-level mitigation for addressing these regional park impacts. In addition, the PEIR does not specify how the City would partner with other regional park providers such as the County of Santa Clara Parks and Recreation Department, Santa Clara County Open Space Authority and other agencies in the provision of regional parks and open space to fulfill the 2040 General Plan goals.

**RESPONSE G-23:** The *Envision San José 2040 General Plan* includes policies and actions to collaborate with public agencies on the provision of recreational uses and to pursue joint use projects (e.g., Policy PR-8.7 and Action PR-8.19). City residents, through their property taxes, contribute to the Santa Clara County Park Charter Fund which ensures funding for the acquisition, development, operation, and maintenance of the County’s park system. New development in San José will contribute toward this fund to offset any increase

in regional park use by future residents of the City. The available regional parkland acreage substantially exceeds the City’s goal of 7.5 acres per 1,000 population.

**COMMENT G-24:** The Draft PEIR does not specifically address the increased demand for park and recreational facilities for new residential and workplace populations projected in Urban Villages and Planning Areas located adjacent to the unincorporated, urban pockets such as the Burbank area, Cambrian area, and other large, unincorporated areas within the City’s Sphere of Influence, which are currently not being served by existing park and recreational facilities since the unincorporated pockets are anticipated to be annexed to the City at a future time in accordance to the City and the County’s respective General Plan policies.

**RESPONSE G-24:** Development within Urban Villages will be required to provide park and open space facilities consistent with the PDO/PIO and would not contribute to existing parkland deficiencies. Existing park and open space deficiencies within unincorporated County pockets will remain after incorporation of those pockets into the City of San José until such time as funding and appropriate sites are identified for the development of parks to serve the residents of what are now County pockets.

**COMMENT G-25:** The Draft PEIR identifies nine key Employment Land Areas which are defined as non-residentially designated lands supporting private sector employment. With the additional jobs generated in these areas, the projected workforce would demand parks, open space and trails as part of the 2040 General Plan’s goals for “...the development of walkable neighborhoods and vibrant urban places strategically located throughout the city and which is environmentally sustainable, is fiscally responsible, and makes prudent use of existing public transit facilities and other infrastructure.” (Section 2.0, page 34). Since the project objective is to facilitate access to parks and recreation, the PEIR does not address the future park and trail needs of the employers and workers in these Employment Land Areas.

**RESPONSE G-25:** The City’s parkland goals are intended to provide adequate recreational facilities for City residents. The Employment Land Areas are located in areas of the City with access to existing parklands and trails including the Guadalupe River Trail, Coyote Creek Trail, Kelley Park, San José Municipal Golf Course, etc. As described in Response G-22, parkland available to City residents would also be available as an amenity to the planned workforce population which would likely use these facilities at different times of the day and week.

**COMMENT G-26:** As discussed in the Draft PEIR, “Floating” Park Site Designations in Land Use/Transportation Diagram identify, “...cases where a park is needed, or will be needed in the future based on planned residential growth (such as the Villages), but where no specific site has yet been identified or where details of surrounding development have not been finalized.” In addition, this land use designation would not require a General Plan amendment to modify the general location, size or configuration of such park sites which would be finalized only through acquisition of a particular parcel (Section 2.0, page 100). However, the Draft PEIR does not provide assurances that these floating park sites would be developed in the event that the City were unable to secure these acquisitions and develop the new park facilities at these potential sites. For example, in the Berryessa Land Use/Transportation Diagram, there are fourteen (14) “floating” park site designations identified within Urban Village and Neighborhood/Community Commercial land use areas. The City’s Greenprint 2009 identified the Berryessa area as currently underserved with neighborhood/community serving parklands and the City would need an additional 32.9 acres of neighborhood/community serving parkland to meet the service level objective of providing 3.5 acres/1,000

population in the year 2020; however the Draft PEIR does not discuss assurances that the 2040 General Plan goals would be achievable to address the future parkland needs in the Berryessa area with these floating park site designations. The Draft PEIR should discuss the potentially significant impacts associated with parkland deficiencies if these floating park sites are not acquired and developed.

**RESPONSE G-26:** The areas identified with a *Floating Park Site* designation are located within the *Urban Village Area Boundary*. The Urban Village planning process, which must be prepared prior to any development approval, will include park planning to provide for the new residential population. The *Envision San José 2040 General Plan* is a blueprint for future development within San José and the City will allow development consistent with the Plan.

The EIR cannot reasonably address impacts from the City’s (hypothetical) failure to conform its own General Plan.

**COMMENT G-27:** The County of Santa Clara Roads and Airports Department has reviewed the Draft Program Environmental Impact Report – Envision San Jose 2040 General Plan and Section 3.2 “Transportation” of the Draft Program Environmental Impact Report (PEIR). The Roads and Airports Department is responsible for the operation and maintenance of the County Expressway System and unincorporated road system. As noted in the PEIR, this includes five expressways which operate within City of San Jose as well as three other expressways that would be affected by Envision San Jose 2040. In addition, the County operates nearly 600 centerline miles of unincorporated roads, including roads in large unincorporated pockets within San Jose's sphere of influence and roads that connect San Jose to other cities/counties. Listed below are the County's comments on Section 3.2 of the PEIR:

1) Page 227, Figure 3.2-4 – The map of “Existing Bicycle Facilities” indicates there are Class III Bicycle Routes on Almaden, Capitol, Lawrence, Montague, and San Tomas Expressways. There are no designated, signed Class III Bicycle Routes on these expressways. The County's policy is to accommodate bicyclists on the shoulders of all expressways by providing shoulders that are consistent with bicycle lane width and striping but not to designate as a Class II Bicycle Lane or Class III Bicycle Route. The function of the expressways within the transportation network are such that expressways should only be used by advanced-skilled bicyclists, not by children or novice bicyclists. Figure 3.2-4 should be revised to remove the Class III designation for expressways.

**RESPONSE G-27:** The information in this comment is acknowledged. Since the shoulders of all expressways are used as bike routes, that is what is shown on the map. The map will be revised to reflect the information in this comment. The expressways will be delineated as “Bicycles Permitted.”

**COMMENT G-28:** 2) Page 240, Figure 3.2-5 - The “Proposed Network Changes” map should include new interchanges/grade separations on Montague Expressway similar to how the interchange reconfigurations are shown for I-880/Montague and 1-680/Montague. According to a November 16, 2006, settlement agreement between the County and City, the City will construct a Trimble flyover ramp and complete the McCarthy-O'Toole interchange as part of implementation of the North San Jose Plan. These improvements should be included in Figure 3.2-5 and in the list of proposed roadway network changes as they represent significant changes to Montague Expressway.

**RESPONSE G-28:** The proposed interchange at I-880/Montague is shown on Figure 3.2-5 with an orange line. The orange line also is shown at the intersection of Montague and McCarthy-O’Toole. Because the Trimble Flyover is not actually an interchange, there was no method for showing it on Figure 3.2-5. It is added to the list of proposed roadway changes in Table 3.2-10 on pages 244-5, as is the McCarthy-O’Toole interchange (see Section 5. Proposed Text Changes to the Draft PEIR).

**COMMENT G-29:** 3) Pages 244-245, Table 3.2-10 – At the bottom of page 244, the table indicates that Santa Teresa Boulevard will be expanded to 6 lanes from Bayliss Drive to Laguna Avenue. At the top of page 245, the table indicates that Santa Teresa Boulevard will remain at 2 lanes in *Envision San Jose 2040* from Laguna Avenue to the City boundary.

According to our records, Santa Teresa Boulevard changes from a City to County road 0.18 miles north of Laguna Avenue, which overlaps slightly with the Bayliss to Laguna section. Please clarify the City’s intent in terms of number of lanes for Santa Teresa Blvd. In addition, explain the meaning of the asterisk attached to Laguna Avenue.

**RESPONSE G-29:** Santa Teresa Boulevard (which becomes Hale Avenue) is within the City of San José’s Sphere of Influence for its length through Coyote Valley (see Figure 3.1-5 on page 145). The City’s General Plan applies to everything within the Sphere of Influence. As stated in Table 3.2-10, Santa Teresa is currently shown in the General Plan as being planned for six lanes from Bayliss Drive to Laguna Avenue, although the table also indicates that the actual roadway has two to four lanes at this time. The proposed *Envision San José 2040 General Plan* shows the same stretch of Santa Teresa also as planned for six lanes. Laguna Avenue is approximately the boundary between North Coyote Valley and the Coyote Valley Urban Reserve. Since the Urban Reserve is not proposed for development during the proposed General Plan horizon, the *Envision San José 2040 General Plan* shows Santa Teresa Boulevard as planned for two lanes from that point south, which is its current width.

Laguna Avenue is sometimes known as Fisher Avenue; the asterisk was intended to footnote the alternate name.

**COMMENT G-30:** 4) Page 254, Figure 3.2-9 – “Future Bicycle and Pedestrian Facilities” map needs to be revised to remove the Class III Bicycle Route designation for the expressways.

**RESPONSE G-30:** Please see Response G-27.

**COMMENT G-31:** 5) Page 288, Section 3.2.4.5 Impacts to Adjacent Jurisdictions – The third paragraph on this page includes the following sentence: “Minor arterials were also analyzed to determine the impacts identified in Table 3.2-16.” Table 3.2-16 is the “Transit Priority Corridor Impact Summary” which is part of Section 3.2.4.4. How does the minor arterials analysis of adjacent jurisdictions relate to San José’s Transit Priority Corridors?

**RESPONSE G-31:** The table number is an error, which is corrected in Section 5 Proposed Revisions to the Text of the Draft PEIR. The reference should have been to Table 3.2.17, which is on page 289.

**COMMENT G-32:** 6) Page 289, Section 3.2.4.5 Impacts to Adjacent Jurisdictions – Page 260 of the PEIR states: “...expressways operated by the County of Santa Clara are included in this analysis as “adjacent jurisdictions” because they are not within the City’s control, even though the roadway

segments evaluated may be within the City of San Jose.” On page 289, the list of Santa Clara County facilities evaluated as part of adjacent jurisdictions includes six of the eight expressways. The two expressways missing are Almaden and Capitol Expressways. Almaden and Capitol Expressways should be included in the adjacent jurisdiction impacts analysis and added to the results in Table 3.2-17.

**RESPONSE G-32:** All of the expressways were modeled, but Almaden and Capitol Expressways were inadvertently left off the list on page 289. The information is included in Section 5 Proposed Revisions to the Text of the Draft PEIR.

**COMMENT G-33:** 7) Page 289, Section 3.2.4.5 Impacts to Adjacent Jurisdictions – The expressways are not the only County-operated roads that should be included in the analysis of impacts to adjacent jurisdictions. The Draft PEIR does not adequately analyze impacts on County unincorporated roads. On page 288, the PEIR lists Monterey Street for Gilroy and Morgan Hill. The County operates Monterey Hwy between these two cities and the County’s segment of Monterey should be included in the impact analysis. In addition, there are two other north-south routes operated by the County that connect the South County to San Jose: Santa Teresa Boulevard and the Uvas/McKean corridor. With San José’s plans for a 1.3 jobs/employed residents ratio, the in-commute from other counties will likely increase significantly. When US 101 becomes highly congested from South County into San Jose, spillover traffic usually occurs on three parallel roadways: Monterey Hwy, Santa Teresa Blvd, and the Uvas/McKean Road corridor. The PEIR should analyze the congestion impacts on the County’s segments of these three parallel roadways.

**RESPONSE G-33:** It is not the City’s intention that urban development within the City’s USA and UGB should cause spillover impacts to rural areas. Consistent with the relevant policies, the City is not proposing significant quantities of intense urban development adjacent to rural areas, where urban impacts could adversely impact rural land uses.

Monterey Road is an urban roadway within San José’s boundaries, but it is planned as a “main street” in Morgan Hill and their adopted Downtown Plan shows the right-of-way ultimately operating with two lanes. It is, therefore, highly unlikely that Monterey Road will function as a major regional roadway between San José and Morgan Hill. Santa Teresa (Hale Avenue in Morgan Hill) is planned as a two-lane street. Similarly, therefore, Santa Teresa will also not function as a major regional roadway between San José and Morgan Hill.

If US 101 roadway capacity is insufficient to accommodate regional traffic at the time future development entitlements are sought for planned development in San José, then a regional solution will be pursued in cooperation with the Congestion Management Agency and other responsible jurisdictions.

The City will, according to its policies and past practice and in conformance with CEQA, evaluate the likelihood of “spillover” traffic having a significant impact on rural roads at each stage of future development. The Draft PEIR states very explicitly (see page 302) that the extensive policies for reducing VMT are intended to substantially reduce the amount of automobile traffic generated by planned development and the City anticipates that VMT will “decrease substantially over time”. There is however no analytic tool currently available that can quantify the effect of those improvements on future travel behavior. Therefore, subsequent project-specific CEQA review will need to evaluate the potential for safety and/or congestion impacts on the relevant rural roadways at that time and, consistent with CEQA

requirements, identify what if any viable methods can be implemented to mitigate or reduce those impacts.

Since improving rural roadways could result in unintended growth inducing impacts, it is assumed such improvements could not and would not include substantial expansion of roadway capacity. Operational and safety impacts and the mitigations required of specific future development for impacts to individual rural roadways are beyond the level of specificity appropriate to a program EIR and cannot be addressed at this time.

**COMMENT G-34:** 8) Page 238, Section 3.2.2 Thresholds of Significance and Page 288, Section 3.2.4.5 Impacts to Adjacent Jurisdictions – Page 238 lists “Substantially increase hazards due to a design feature or incompatible uses” as a threshold of significance. The application of this threshold was too narrowly applied by focusing only on the City’s roads and, thus, the analysis was for this threshold was inadequate. This threshold should also be applied to adjacent jurisdictions in terms of impacts on safety from increased congestion. The County operates many rural roads that lead into City of San Jose. These roads are proving to be of increasing popularity with bicycle riders from San Jose; however, many of these roads have inadequate shoulders to accommodate both bicyclists and motor vehicles. Some of these roads (e.g., McKean Road, Uvas Road, Santa Teresa Boulevard) will likely see greatly increased traffic volumes from the growth projected in Envision San Jose 2040 creating operational and safety concerns for both motor vehicles and bicycles. In addition, the city-bound traffic using rural farm-to-market facilities will aggravate pavement deterioration and accelerate the need for surface and structural improvements to support safe operations of the roads. The PEIR should include an analysis of the impacts of increased traffic demand on these rural roads related to “substantially increase hazards due to a design feature or incompatible uses.” Mitigation measures that call for General Plan policies and/or actions to support safety improvements on rural roads should be considered. These safety improvements include design features such as adding/widening shoulders and structural improvements to support increased traffic loads.

**RESPONSE G-34:** As stated in response to Comment G-33 above, the extent to which development within the USA effects roadways outside it will depend in part on conditions that exist at the time the development occurs. Consistent with City policies, any future development near the edge of the urban envelope will be designed to minimize or preclude spillover impacts into the rural areas, which would include light, noise, water pollution, traffic, litter, and other development-related impacts.

Should impacts to rural roadways be identified, improvements consistent with the character and purpose of the roadways will be required of the development responsible.

**COMMENT G-35:** Thank you for the opportunity to comment on the Envision San Jose 2040 General Plan Draft EIR. The Santa Clara County Public Health Department commends the San Jose Envision 2040 Task Force for addressing goals, strategies and policies that help to foster a healthier community.

In particular, we commend the Task Force’s plans for the built environment that include the reduction of dependency on automobiles, promotion of biking and walking and the use of transit, development of greater neighborhood connectivity, provision of services and facilities in neighborhoods, particularly health care facilities, schools, parks, retail, and the development of locations for locally grown produce. All of these efforts will help to prevent chronic diseases such as asthma, cardiovascular disease, cancer, and obesity. They will also enhance social cohesion and a

sense of community, help to reduce mental health stresses, and reduce injuries, leading to an overall improvement in the health status of our community.

The Santa Clara County Public Health Department recommends the following additions to the Envision 2040 General Plan Update:

- Address the provision of safe public drinking fountains in neighborhoods, recognizing the importance of water in human nutrition, the role of bottled water in the production of waste, and the need to promote healthy alternatives to sugar-sweetened beverages, particularly for children.

**RESPONSE G-35:** Several proposed Vibrant Neighborhood Actions call for the City to collaborate with the Santa Clara County Public Health Department on the accessibility of healthful food options near schools (e.g., Actions VN-3.7 and VN-3.8). The provision of publicly available drinking fountains has not been successful in the recent past due to vandalism and maintenance problems.

**COMMENT G-36:** Emphasize the role of the built environment in the prevention of violent crime and the development of community cohesion. Violence can lead to physical injuries, depression, anxiety, and substance abuse. The design of neighborhoods can be conducive to crime or help to prevent it. Foot traffic and homes and businesses that face the street can help to prevent crime.

**RESPONSE G-36:** Prior to approval, specific project development, plans are reviewed by the San José Police Department to ensure the proposed designs are consistent with street oversight and other design criteria for public and private safety.

**COMMENT G-37:** Strengthen the discussion of the negative health consequences of increased vehicle miles travelled (VMT) by addressing the connection between long driving hours and reduced physical activity (which is a risk factor for obesity) and the increased incidence of musculoskeletal pain and stress; long hours in the car can also lead to reduced social connectedness.

**RESPONSE G-37:** The Draft PEIR states very explicitly (see page 302) that the extensive policies for reducing VMT are intended to substantially reduce the amount of automobile traffic generated by planned development and the City anticipates that VMT will “decrease substantially over time”. There is however no analytic tool currently available that can quantify the effect of those improvements on future travel behavior. The proposed *Envision San José 2040 General Plan* is intended to allow residents and workers to access necessary services without the use of a vehicle which would increase their physical activity.

**COMMENT G-38:** Include full discussion of the health effects of climate change and the heat island effect, stressing the consequences for the most vulnerable populations (young children, elderly, people with chronic disease, mentally ill, disabled, and the poor) and strengthen mitigation measures. Although the report states that San Jose's location near the coast would limit health effects, studies have shown that cities in cooler climates have higher numbers of heat-related deaths than those in warmer climates where there is greater use of air-conditioning and acclimatization to heat. (Source: A Human Health Perspective on Climate Change: A Report the Research Needs on the Human Health Effects of Climate Change, The Interagency Working Group on Climate Change and Health, Environmental Health Perspectives and The National Institute of Environmental Health Sciences, U.S. Department of Health and Human Services, Apli122, 2010. [http://www.cdc.gov/climatechange/pubs/HHCC\\_Final\\_508.pdf](http://www.cdc.gov/climatechange/pubs/HHCC_Final_508.pdf))

**RESPONSE G-38:** Increases in the frequency and severity of regional heat waves (e.g., heat related impacts) have the potential to harm people and that vulnerable populations such as children and the elderly as acknowledged in the PEIR. San José has a Mediterranean climate with warm, dry summers and may not be as affected as all cities considered to have cooler climates in the report referenced in the foregoing comment, however. Many modern buildings in San José are air conditioned due to warmer weather during summer and fall periods and as discussed in the Draft PEIR, a preliminary climate change study forecasts a much smaller rise in temperatures in the South Bay than in other areas of California. It should be recognized that the exact future effects upon residents of San José are not known with certainty at this time.

As discussed in Section 3.4.3.2 Consistency with Air Quality Plan Control Measures (pages 388-389; Table 3.4-11) and Section 3.4.3.7 Climate Change (pages 399-401) of the Draft PEIR, the proposed General Plan includes a number of measures that address reducing the City's contribution to GHG emissions and ozone precursors, reducing air pollutants by encouraging alternative transportation modes, minimizing the urban heat island effect and reinforcing emergency response (for example, for seniors and sensitive populations during extended periods with high temperatures). These measures include Policy MS-2.6 and Policy MS-21.1 that address roofing and surface treatments (e.g., pavements and building roofs) to reduce the heat island effect and management of the Community Forest for goals including heat reduction. Policy ES-4.6 specifically calls for the City to coordinate with other public organizations to ensure emergency preparedness and disaster response programs and to serve all parts of the City equitably. Given the City's role in regards to emergency response and the County's role regarding public health, the City anticipates working with County staff in the future on implementation of climate change adaptation measures related to heat-related and other effects.

To clarify that part of the City's approach to adapting to heat and air quality effects of climate change includes measures designed to reduce urban heat island effects, several policies listed under energy and climate change measures on page 390 of the Draft PEIR have also been added to the list of policies in Section 3.4.3.7 (see Section 5 Revisions to the Text of the Draft PEIR).

**COMMENT G-39:** Ensure that affordable housing is included in new transit oriented design (TOD) developments to mitigate any displacement of existing low-income populations in surrounding neighborhoods. This is particularly important as low-income populations are less likely to own a car and are more likely to depend on public transportation.

**RESPONSE G-39:** The planning for each Urban Village will need to balance multiple objectives and constraints and will be evaluated for its consistency with a range of City policies (including General Plan Affordable Housing Policy H-2.2) and neighborhood concerns. The impacts of the proposed development or redevelopment will be assessed during the development of the Urban Village Plan, during the legally required CEQA process, and through the project approval.

**COMMENT G-40:** Explore limiting the number of alcohol and tobacco outlets, particularly in neighborhoods with a high density of outlets, or in close proximity to schools and youth-populated areas. The saturation of alcohol and tobacco outlets can lead to higher use rates and higher incidence of violent activity, particularly with alcohol.

**RESPONSE G-40:** The City of San José adopted a tobacco retail licensing ordinance in January 2011. The ordinance requires retailers operating in San Jose to obtain an annual license to sell tobacco and includes penalties for illegally selling tobacco to minors or for any violation of local, state or federal regulations. The City is exploring limitations on the sale of alcohol outside the context of the General Plan.

**COMMENT G-41:** Address the importance of smoke-free policies in reducing exposure to toxic air contaminants, particularly in multi-family residences. Frequent and recurring exposure to secondhand smoke can cause health problems such as asthma, heart disease, cancer and Sudden Infant Death Syndrome (SIDS), as well as worsen a chronic illness. Thank you for your consideration of these recommendations. We look forward to continued cooperation toward the creation of a healthier San Jose.

**RESPONSE G-41:** The foregoing comment includes the County Public Health Department's recommendations regarding the project, the *Envision San José 2040 General Plan*.

**H. RESPONSES TO COMMENTS FROM THE DEPARTMENT OF FISH AND GAME, DATED AUGUST 12, 2011.**

**COMMENT H-1:** The Department of Fish and Game (DFG) has reviewed the draft Programmatic Environmental Impact Report (PEIR) for the City of San Jose (City) General Plan Update. We are providing the following comments:

Draft PEIR and Appendix E

A revised Final Programmatic Environmental Impact Report (PEIR) should discuss appropriate mitigation measures consistent with the California Environmental Quality Act (CEQA) Guidelines 15126.4 to compensate for impacts for those species or habitats where significant, or potentially significant, impacts are identified. The draft PEIR does not thoroughly discuss what DFG determines as impacts to rare and sensitive species and their habitats. The significant amount of material in draft PEIR Appendix E on rare and sensitive species should be incorporated as discussion within the Final PEIR and not in the Final PEIR Appendix E. The conclusions of this material should be discussed and summarized (CEQA, Guidelines 15147) to determine the impacts and the subsequent mitigation proposed. We recommend that the draft PEIR Chapter 3.5 be revised to include a discussion summary of each species and habitat as is identified in the Appendix E. In this regard, DFG remains available to work with the City in developing the Final PEIR.

**RESPONSE H-1:** Expanded discussions of impacts to special status animal species have been added to Section 3.5.3.7 of the PEIR (see Section 5 Revisions to the Text of the Draft PEIR).

**COMMENT H-2:** Serpentine Habitat

Serpentine habitats are rare vegetative communities that can support a variety of associated rare plant and animal species. There are two primary types of impacts to serpentine habitats, direct and indirect. For direct impacts, the draft PEIR discusses thorough adequate avoidance and mitigation measures through draft PEIR Policies ER-2.4 and 2.7.

Indirect impacts are not sufficiently addressed. For example, indirect impacts can occur as a result of atmospheric compounds, such as nitrogen compounds, being deposited on serpentine communities. The primary element of concern is nitrogen because it serves as a plant nutrient in nitrogen deficient serpentine areas. As a result of this additional nitrogen nutrient load, some plants which would not otherwise survive and spread on serpentine habitats, would be able to thrive, out competing the serpentine plant endemics.

The draft PEIR references the nitrogen deposition analysis done for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). This analysis estimates the current nitrogen deposition rate in Santa Clara County to be as much as 6 kilograms (kg) of nitrogen per hectare per year (N/ha/year), rising to 8 kg-N/ha/year in 2035 and almost 10 kg-N/ha/year in 2060. Using this progression, the draft PEIR uses an estimate of 8.25 kg-N/ha/year as the expected amount of deposition in 2040. The relative proportion of this material attributable to sources within the City is estimated to be 38% in 2035. The draft PEIR acknowledges that this is a potentially significant impact.

The City proposes to mitigate these impacts by finalizing the draft Santa Clara Valley Habitat Plan (SCVHP), a joint HCCP/NCCP, whereby implementing the area wide conservation strategy associated with the SCVHP draft PEIR Action ER-2.9. If the SCVHP is not adopted, the City would in turn develop a comparable plan which the City will implement draft PEIR Action ER-2.10. The

City states that this action will occur only if City resources allow. The draft PEIR Impact 810-2 states that, while it is the City's intention to address indirect impacts to serpentine habitats through implementation of either draft PEIR ER-2.9 or ER-2.10, no assurances will be provided that ensures that the City would be able to accomplish this level of mitigation.

DFG is concerned that this would cause the City to adopt a Findings of Overriding Consideration (CEQA Guidelines 15093) without also adopting all feasible measures to substantially lessen the significant impact. In order to determine that the mitigation measures were infeasible, the City would have to provide substantial evidence that specific economic, legal, social, technological, or other considerations would make it infeasible. The draft SCVHP identifies feasible mitigation that can be implemented.

Under CEQA, public agencies may not approve projects that result in significant impacts without first adopting feasible mitigation measures or alternatives that will substantially lessen or avoid such effects (PRC Section 21002). Likewise, a public agency may not move to utilize CEQA Guidelines 15093 without first considering and adopting all feasible measures to substantially lessen or avoid significant impacts. Using these standards, the City should propose an alternative course of action consistent with the draft SCVHP methods to ensure all feasible mitigation (other than draft PEIR Action ER-2.9 or ER 2.10) prior to pursuing Findings of Overriding Consideration for indirect impacts to serpentine habitats.

**RESPONSE H-2:** As discussed on page 470 of the Draft PEIR, transportation control measures designed to increase the use of multi-modal transportation and decrease vehicle miles traveled is one means of reducing future nitrogen oxide emissions and indirect impacts to serpentine grasslands from implementation of the proposed General Plan.

As described in the Draft PEIR, however, the City of San José is experiencing ongoing deficit budgets. As described in the City Manager's 2011-2012 Budget Message (dated May 2, 2011) the City is predicting at least four more years of deficit budgets. At the time that memo was circulated, the City was facing a 10 percent decrease in personnel and a \$115 million shortfall. As a result of this situation, the City of San José has not, to date, been able to identify available or even potentially available funding that could be used to design and implement these mitigation measures, which would include long-term management of serpentine reserves, on its own. To be considered feasible, mitigation must be capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors (CEQA Guidelines Section 15364).

If the City does not commit to implementing mitigation for indirect impacts to serpentine grassland from the proposed project in the near term because decision makers do not consider them feasible to implement independently, decision makers will be required to adopt findings of overriding considerations, as required by CEQA. Other than the City setting up its own serpentine grassland preserves, an alternative course of action consistent with the December 2010 draft HCP/NCCP has not been identified.

**COMMENT H-3:** Burrowing Owl

The Final PEIR should both identify potential burrowing owl impacts and identify proposed proportional burrowing owl mitigations. DFG recommends that any mitigations be consistent with the draft Burrowing Owl Conservation Strategy developed for the SCVHP.

Nesting burrowing owls in the South Bay Area are in critical decline. In the early 1990s there were an estimated 150-170 breeding pairs in the San Francisco Bay Area. These numbers represented a 53% decline from the previous period of 1986 to 1990. In those estimates it was assumed that 75% of the burrowing owl population occurred in Santa Clara County and nearly all of those burrowing owls were congregated around the southern edge of the San Francisco Bay. Surveys in the early 1990s revealed that about a third (43 to 47 burrowing owl pairs) of Santa Clara County breeding pairs occurred inside what is now the draft SCVHP study area.

Currently, the largest burrowing owl colony in the Bay Area is at Norman Mineta International Airport, with considerably smaller colonies at Shoreline Park in Mountain View and the NASA Ames Research Facility Field in Sunnyvale. There are scattered burrowing owl pairs at other locations concentrated in the north San Jose and Alviso planning areas, and the species is at significant risk of extirpation in Santa Clara County. Accordingly, any impacts to burrowing owl burrows or burrowing owl foraging habitat occurring as a result of activities evaluated in the draft PEIR should be considered significant or potentially significant.

There should be a significant discussion of the burrowing owl current status, burrowing owl potential impacts and appropriate burrowing owl mitigations. The majority of burrowing owls in Santa Clara County are in areas under City jurisdiction and this area also has burrowing owl mitigation opportunities. The draft PEIR Chapter 3.5 should be amended to include significant discussion of current burrowing owl baseline in the region and particularly within those areas under City jurisdiction.

**RESPONSE H-3:** The draft Western Burrowing Owl Strategy in the December 2010 draft HCP/NCCP is designed to offset impacts to western burrowing owl and proposes to undertake an aggressive suite of measures aimed at reversing the declining trend of burrowing owl populations in the county. It is important to note that this strategy not only provides for mitigation for currently existing populations, but for future expansion of populations. Text has been added to page 486 of the Draft PEIR that summarizes the components of the draft Western Burrowing Owl Strategy (see Section 5 Revisions to the Text of the Draft PEIR).

As shown on page 483 of the Draft PEIR, the proposed General Plan includes program-level measures that call for mitigation of impacts to special status species. Policy ER-5.1 (Renumbered Policy ER-4.1) states: *Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.* Two proposed General Plan policies that would protect migratory birds, such as the western burrowing owl (Policy ER-5.1 and Policy ER-5.2) have been added to Section 3.5.3.7 Impacts to Special Status Animals of the PEIR (see Section 5 Revisions to the Text of the Draft PEIR). The analysis in the PEIR assumes that future projects in the City of San José, both within and outside of the UGB, will avoid or reduce impacts to existing populations of special status species to a less than significant level through measures included in project design or as conditions of approval, consistent with the policies for protecting special status species and their habitats in the proposed General Plan. In the Alviso Planning Area, and elsewhere in the city where populations of burrowing owls occur, this could require setting aside habitat for foraging and nesting, actively managing preserves including vegetation and predator management, and/or expanding and managing habitat adjacent to other local or regional owl populations to allow those populations to increase and persist. In the event a future project proposes features that would result in substantial direct or indirect affects to special status

species, additional environmental review and detailed evaluation of resources will be required prior to approval or implementation and mitigation of impacts would be necessary in order for the project to have General Plan consistency (refer to modifications to page 483 in Section 5 Revisions to the Text of the Draft PEIR). An Action item also has been added to the General Plan to clarify mitigation that would be required for impacts to habitat occupied by burrowing owls since 2008, the environmental baseline for the analysis in the PEIR.

It is acknowledged that areas under the City's jurisdiction, such as San José International Airport and portions of the WPCP lands, could provide burrowing owl mitigation opportunities in the future, especially in regards to management of vegetation, burrow availability (e.g., ground squirrel abundance), and predators. As identified in the draft Western Burrowing Owl Strategy, there also may be other opportunities in the greater South Bay Area outside the City of San José (especially near the Baylands) and ultimately in regions around Morgan Hill and Gilroy.

Text has been added to Section 3.5 of the PEIR regarding burrowing owl populations, possible impacts and measures that could be used to mitigate impacts to burrowing owl at the time future projects are proposed, based upon text in Appendix E of the PEIR, Appendix M of the December 2010 draft of the HCP/NCCP and supplemental information on burrowing owl populations provided by H.T. Harvey & Associates, the biological consultants for the PEIR.

**COMMENT H-4:** Coyote Valley Connectivity

The draft PEIR, acknowledges that Coyote Valley is an important cross-valley wildlife corridor situated between the Diablo Range and Santa Cruz Mountains. The draft PEIR recognizes that this is the remaining opportunity for connectivity between the San Francisco Bay and the Pajaro River area. The draft PEIR notes that existing impediments, such as the median barrier on Monterey Highway, and future development, particularly along Bailey Avenue, combined with road widening and increased traffic will further degrade the ability of the area to provide for wildlife corridor connectivity. The draft PEIR concludes that this would be a substantial impact. DFG recommends that the City incorporate wildlife passage into the roadway design.

**RESPONSE H-4:** Proposed policy ER-8.2 and Action ER-8.4 listed on page 477 of the Draft PEIR call for new or improved existing roads to be designed to allow wildlife in the Coyote Valley area to move across them. DFG's recommendation regarding incorporating wildlife passage into roadway design is acknowledged.

**COMMENT H-5:** City Trees

DFG recommends that the City include protective measures for nesting birds in maintenance or removal of urban and Heritage trees. Between February 1 and August 31, birds can be found nesting in urban trees. Removal or trimming of trees during this period could result in destruction of active nests (Fish and Game Code, sections 3503 and 3503.5). A qualified biologist should survey tree(s) for active nests prior to work occurring and, if nesting is documented, observe the nest until the young have fledged or are no longer dependent on the nest site, after which the tree work would proceed.

**RESPONSE H-5:** The proposed General Plan includes two policies that would protect migratory birds. These policies are:

Policy ER-5.1 Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2 Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

The protective measures listed in this comment are typical of those that would be required for individual projects to implement Policy ER-5.1 and Policy ER-5.2.

The text of these policies has been added to Section 3.5.3.2 Direct Impacts to Natural Communities and Habitats and Section 3.5.3.7 Impacts to Special Status Animals of the PEIR (see Section 5 Revisions to the Text of the Draft PEIR).

**COMMENT H-6:** We commend the City for including a policy to prohibit planting of London Plane trees in the Coyote planning area so to avoid hybridization with native Western Sycamore trees. DFG recommends that the City encourage, as much as possible, landscaping with native trees and shrubbery within the urban city setting. Also, making use of native plants will reduce the need for watering.

DFG appreciates the opportunity to comment on the draft PEIR and we are available to work with the City to revise the draft PEIR. If you have any questions or comments please contact Mr. Dave Johnston, Environmental Scientist, at (831) 464-6870; or Mr. Liam Davis, Senior Environmental Scientist, at (707) 944-5529.

**RESPONSE H-6:** The foregoing comments and recommendations are acknowledged.

**I. RESPONSES TO COMMENTS FROM THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT, DATED AUGUST 15, 2011.**

**COMMENT I-1:** Bay Area Air Quality Management District (District) staff reviewed your agency's Draft Program Environmental Impact Report (PEIR) for the Envision San Jose 2040 General Plan (Plan). The Plan is a comprehensive update of the City's current Focus on the Future San Jose 2020 General Plan, adopted by the City Council in 1994. The City's General Plan is a long-term plan that describes the amount, type and phasing of development needed to achieve the City's social, economic, and environmental goals. The General Plan is the policy framework for decision-making on both private development projects and City capital expenditures.

Plan Summary

The Plan's Preferred Land Use Scenario provides growth capacity for development of up to 470,000 additional jobs and 120,000 new dwelling units to be built by year 2035. This scenario would allow capacity for a population of approximately 1,313,800 people, including 839,450 jobs and 429,250 dwelling units in San José. At this level of full development the jobs to employed residents ratio would be 1,3 to 1.

The Preferred Land Use Scenario, compared to the 1994 Focus on the Future San Jose 2020 General Plan, allows for further intensification of employment in specific urban areas and increased Floor Area Ratios. New residential growth in the Preferred Land Use Scenario is also focused in identified Growth Areas and precludes large scale residential development from occurring on sites outside of these Growth Areas. New residential growth is planned to occur at a minimum of 55 dwelling units per acre (DU/PA), with some allowances for 30 DU/PA at interfaces with single-family home neighborhoods.

The Plan establishes Growth Areas that create a more interconnected city with strong linkages to transit and the Downtown, or to provide additional services to existing neighborhoods through the development of neighborhood villages. These investments would promote transit use and reduce the need for automobile travel while achieving other Plan goals.

Comments on the Draft PEIR

Section 3.4.3.3 Impacts to Sensitive Receptors from Substantial Pollutant Concentrations states that the City of San Jose is currently developing a Community Risk Reduction Plan (CRRP) to address the exposure of residents to toxic air contaminants and PM<sub>2.5</sub> emissions from all sources. The PEIR requires the adoption of a CRRP as a mitigation measure, and until that time site specific-modeling would be required prior to development of sensitive land uses that could be affected by TACs in accordance with District health risk criteria. The District supports this community-wide approach to mitigating emissions and exposure and commitment to site-specific modeling until the CRRP is adopted.

**RESPONSE I-1:** The foregoing comments include the BAAQMD's concurrence with information in the PEIR and reflect opinions and recommendations regarding the project, the *Envision San José 2040 General Plan*. The comments do not raise any questions about the adequacy of the PEIR. No other response is required.

**COMMENT I-2:** Section 3.15 Greenhouse Gas Emissions describes the Plan's approach to reduce the City's greenhouse gas (GHG) emissions. In its Guidelines, the District lays out options for demonstrating consistency with the State's GHG reduction goals, including the 2020 target specified

under AB 32, and the 2050 goal articulated in Executive Order S-3-05. The Draft PEIR states that the Preferred Land Use Scenario would result in emission levels below the District's plan-level GHG efficiency threshold of 6.6 metric tons per service population by 2020. However, the Draft PEIR finds a significant cumulative impact from GHG emissions beyond 2020 because the Preferred Land Use Scenario GHG estimates would exceed the State's GHG emission reduction goals for year 2050.

The District's Guidance for developing a "Qualified GHG Reduction Strategy" requires that a community-wide GHG inventory be conducted for a base year consistent with AB 32 (2008 or earlier). The City's Plan includes inventories for the target years of 2020 and 2035, but does not include an inventory for a base year that characterizes existing emissions levels. However, within the Plan's back-up documentation it does appear that the City has collected adequate data for 2008 to fulfill this requirement. The District recommends that the City include a full GHG inventory for year 2008 along with years 2020 and 2035 in the relevant sections of the Plan.

**RESPONSE I-2:** Baseline 2008 Community GHG Emissions for San José are presented in Table 2 and Table 3 of the Greenhouse Gas Reduction Strategy. Residential, commercial and industrial emissions were compiled by the City's Environmental Services Department based upon electricity and natural gas usage information provided by Pacific Gas and Electric. The Greenhouse Gas Reduction Strategy has been revised to highlight 2008 baseline data. Updated estimates for GHG reduction measures are now included in Attachment A (refer to Section 5 Revisions to the Text of the Draft PEIR).

**COMMENT I-3:** In several instances, GHG reduction estimates have not been developed for measures included in the Plan. The District recommends that the City add quantified estimates of GHG reductions from these measures. Doing so may assist the Plan in reaching the identified GHG reduction target for 2035. The following GHG reduction measures are not quantified in the Plan.

- Green Building Ordinance (BEE-2)
- Green Building Incentives (BEE-3)
- Community Energy Programs (BEE-4), although this is largely an outreach program and so emission reductions should be attributed cautiously
- Increase Density of Development (LUT-I)
- Provide Bike Parking in Non-residential Development (LUT-4)
- Provide Bike Parking in Multi-unit Residential Projects (LUT-5)
- Urban Tree-planting (OM-I)

In a few instances, it appears that the City may have overestimated the reductions anticipated from some GHG reduction measures. In the case of measure BEE-5 (solar power), for example, the City must increase the amount of installed solar power in the City to 100 MW by 2035. This exceeds the current total installed solar capacity for the entire State of California. Measure RWR-I (wastewater) assumes that 100% of the City's wastewater will be recycled. Because such large amounts of GHG emissions are estimated to be reduced from these measures, the District urges a cautionary and transparent approach to developing these emissions reduction estimates.

**RESPONSE I-3:** Reduction measures that have not been quantified in the City's Greenhouse Gas Reduction Strategy generally fall into two categories: measures that the City does not have an adequate basis for estimating, or reduction measures that will have relatively little impact on meeting Greenhouse Gas reduction targets.

Green Building Ordinances and Green Building Incentives fall into the former category. Per State Law, the City has adopted the new Green Building Ordinance, CalGreen. The City has adopted the base version of CalGreen without mandating more stringent energy efficiency requirements. Given that the energy code has remained constant between 2008 and 2011, and given that CalGreen does not change the energy code, the City is being conservative and estimating energy demand for future building stock at the same rate as the current building stock. Monitoring of energy use in the City will continue and as more tools and data become available for estimating energy savings for the amount and type of new housing and other buildings being constructed in San José, estimates of reductions can more reliably be made. At this time, City staff also does not have a verified way of estimating the potential effectiveness of green building incentives towards reducing greenhouse gas emissions, and is providing a conservative estimate of future greenhouse gas reductions.

The second category of reduction measures not quantified are measures that the City feels will not significantly reduce greenhouse gas emissions over the life of the plan and/or for which there are not fully validated factors for estimating emission reductions or carbon sequestration. These include community energy programs, provision of bike parking and urban tree planting. These measures will be tracked as a part of annual General Plan and/or Green Vision Goal monitoring.

One measure that should be quantified is increasing the Density of Development (LUT-1) as a result of the General Plan Update. That measure is quantified in accordance with CAPCOA guidance, and a 3% reduction in VMT equates to a 159,000 MT/year CO<sub>2</sub>e reduction.

City staff has re-calculated the reductions for the solar power measure (BEE-5), and for the wastewater measure (RWR-1).

For solar power, staff has examined data collected for the Green Vision regarding solar installations, and consulted with staff responsible for the clean energy program in the Environmental Services Department. For the year 2008, a total of 10 MW of solar cells were installed in the City of San Jose. By the year 2010, 27.6 MW of solar panels were installed, a 275% increase. Given this trend, staff is comfortable with the estimate of 100 MW of solar installed by 2035.

Staff did however, not deduct the solar installations already installed in the base year (and their corresponding greenhouse gas reductions) from the total. Staff's revised estimate is: (100 MW of solar cells installed by 2035 – 10 MW installed in 2008) = 90 MW change between 2008 and 2035. Assuming this change over five hours of average daily sunlight for 365 days a year would result in a reduction of approximately 113,000 metric tons of CO<sub>2</sub> e per year.

Estimates for greenhouse gas reductions in the wastewater measure (RWR-1) are shown in revisions to Attachment A of the Strategy (see revisions to Appendix K-3 in Section 5 Revisions to the Text of the Draft PEIR).

**COMMENT I-4:** The Plan's implementation strategy identifies lead departments for each reduction measure and annual reporting via the city's Green Vision program. We recommend that the City add text to the Plan stating that, should monitoring efforts find that the Plan is falling short of its goals, the City will add additional mandatory and voluntary measures to the Plan in order to meet the Plan's GHG reduction targets. The District emphasizes the importance of monitoring and

implementation of the GHG mitigation measures in the Plan. Ongoing monitoring is critical in order to demonstrate that the Plan is achieving its goals.

Overall, the Plan's commitment to directing employment and residential growth to existing urban areas and creating a more interconnected city with a transit orientation is an excellent example of the kind of development the District seeks to encourage to protect air quality, public health and the climate. The District commends the City for developing a Plan that reflects a strong commitment to climate protection.

If you have any questions regarding these comments, please contact Alison Kirk, Senior Environmental Planner, 415-749-5169. District staff is available to assist City staff in addressing these comments. In addition, the District's CEQA website contains a number of tools and resources to assist lead agencies in analyzing environmental impacts. Available tools can be viewed and downloaded at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQAGUIDELINES/Tools-and-Methodology.aspx>

**RESPONSE I-4:** Text has been added to two sections of the City's Greenhouse Gas Reduction Strategy to clarify that the City will add feasible additional mandatory and voluntary measures to the Strategy in order to meet the Strategy's GHG reduction targets.

**J. RESPONSES TO COMMENTS FROM THE SANTA CLARA VALLEY WATER DISTRICT, DATED AUGUST 15, 2011.**

**COMMENT J-1:** The Santa Clara Valley Water District is a special district with jurisdiction throughout Santa Clara County and is the county's primary water resources agency. The Water District acts as the county's groundwater management agency, principal water resources manager, flood protection agency and is the steward for its watersheds, streams and creeks, and underground aquifers.

The Water District appreciates the opportunity to comment on the Draft EIR for the Envision San Jose 2040 General Plan. This letter highlights key findings, makes policy suggestions and provides specific comments related to the expertise of the Water District: water supply, flood protection and water resources stewardship. We would be happy to meet with you to discuss any of these topics further or to help you locate information that would assist your continued development of the General Plan.

**Flooding Impacts**

Policy IN-3.1, Action EC-5.18 and Action IN-3.16 propose to increase the design standard of the City's storm drain system from a 3-year event to a 10-year event. Water District analysis of this policy indicates that when the City enlarges the storm drain pipes to a 10-year capacity, the impact to the receiving creeks are significant, not only at the point of discharge, but also to downstream channels. Peak flows in a heavy storm event could increase 10 to 100 percent, depending on the creek, which could result in significant impacts to flooding. The Draft EIR does not address this significant effect. The City will need to adopt mitigation measures in Section 3.7.3.1 (Impact HYD-1) of the EIR and/or additional policies in the Envision San Jose 2040 General Plan to offset this impact. At a minimum a policy should be added assuring that increased runoff from the storm drain system does not exceed the capacity of flood protection facilities. Policies should also reflect the need to coordinate hydrologic assumption with the Water District to ensure adequate master planning of flood reduction infrastructure, creeks that can convey water to the bay, and the City's storm drain system.

**RESPONSE J-1:** Policy IN-3.1, Action EC-5.18 and Action IN-3.16 do not increase the design standard of the City's storm drain system. The proposed updated Policy and Actions incorporate the City's current Storm Drain Policy, which has been in effect since 1990, to provide capacity for a 10-year storm event. Capital improvement and new development projects have been required to conform to this design standard for years. The design standard helps maximize the effectiveness of the storm drain system and minimize localized flooding throughout the City by providing underground pipe capacity. Therefore, the City does not anticipate significant impacts to the receiving creeks and flooding as a result of current design standards. The City will continue to coordinate with SCVWD regarding storm system improvements that may impact the creeks. The City strongly encourages the SCVWD to master plan the flood protection facilities to account for future conditions.

**COMMENT J-2:** Similarly, in Section 3.10.1.3 the EIR discusses the need for a Charcot Avenue pump station to accommodate new development, but fails to address the impact of 480 cfs of discharge to Coyote Creek during a 100-year event in the Flooding section.

**RESPONSE J-2:** The proposed Charcot Avenue pump station would alleviate existing localized flooding as well as accommodate new development. The details of the pump station design and capacity are not finalized at this time. Any potential impacts would be analyzed and addressed through the environmental process required by CEQA prior to construction of the pump station. The City will coordinate with the SCVWD as part of this process to address any concerns.

To clarify, text in Section 3.10.1.3 of the PEIR regarding the planned Charcot Pump Station will be revised to reflect that it will alleviate existing localized flooding as well as handle increased runoff from new development in the area. Specifics on possible design capacity also will be deleted from the text (refer to Section 5 Revisions to the Text of the PEIR).

**COMMENT J-3: Strengthen Policies for Avoiding or Minimizing Flood Hazards**

Large areas of San Jose were historically subject to natural flooding. Many of these areas have been protected (up to the 1% event) via flood protection projects (primarily levees, floodwalls, channel modifications, and culverts). However, flooding (both tidal and from creeks) may still occur if a natural event exceeds the 1 % design level, and can result from localized street flooding due to storm drain capacity issues, which has also been mapped by FEMA. Understanding the residual risks inherent to homes and businesses protected by levees is an important aspect to evaluating and managing flood risk. Although levees are designed to protect to 1% flood standards, levees are subject to overtopping or failure in larger events. San Jose also includes areas that are subject to inundation under sea-level rise scenarios.

To protect areas from flood damages, cities must make land use decisions to ensure runoff from development or paving does not increase flood flows beyond the design carrying capacity of the creeks, and to support continued funding for development of new and maintenance of existing flood protection infrastructure, primarily levees, floodwalls, channel modifications, and culverts. Throughout the Envision San Jose 2040 General Plan and Draft EIR, there are reference to the Water District as the flood management agency for the county. While the Water District does provide for regional flood protection infrastructure and maintenance, the City has the lead role in flood plain management. The City must assure land uses are appropriately sited, flood hazards to development are minimized, and flood hazards to existing properties are not increased.

The Water District suggests adding in the Flooding Hazards of the General Plan greater discussion on tidal flooding and vulnerabilities to sea level rise in Alviso and north San Jose. Specifically the Water District suggests the following references be added and incorporated into the General Plan, and updated as new projections become available:

- BCDC Bay Plan Amendments on sea level rise
- California Ocean Protection Council's Guidelines for sea level rise

Since 2009, AB 162 requires local governments to revise general plans to address flood risks and to collaborate with local flood agencies to understand and plan for reducing flood risk. It mandates flood risk analysis in four General Plan elements: Land Use, Housing, Conservation and Safety.

- a. Land Use Element -Identify areas that are subject to flooding.
- b. Housing Element -The determination of available land suitable for urban development may exclude lands where the risk of flooding would make it impractical for housing.

- c. Conservation Element -Identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.
- d. Safety Element -Establish goals, policies & objectives to minimize risks from flooding. The following are specified in the legislation:
  - 1) Avoiding or minimizing the risks of flooding to new development.
  - 2) Evaluating whether new development should be located in flood hazard zones.
  - 3) Maintaining essential public services during flooding.
  - 4) Locating new essential public facilities outside of flood hazard zones.
  - 5) Establishing cooperative working relationships among public agencies with responsibility for flood protection.

The Water District suggests adding policies under EC-5:

- a. Strengthen compliance with the City's Floodplain Ordinance to include Department of Water Resources Model Ordinance Provisions and increase the rating the CRS program;
- b. Confirm with the Santa Clara Valley Water District on the latest versions of flood/inundation maps and require new development and major redevelopment to provide mitigation to ensure that the cumulative rate of peak run-off is maintained at pre-development levels;
- c. Confirm with Bay Conservation and Development Commission and California Ocean Protection Council on latest for Sea Level Rise projections, and curtail development or at a minimum enforce strict guidelines in areas subject to sea-level rise or tidal inundation;
- d. Require setbacks from riparian corridors not only to protect the sensitive ecology of riparian corridors, but also to provide adequate space for future bank repair and maintenance of creeks and levees, and if necessary, improve flood protection projects;
- e. Require setbacks next to levees to minimize property damage in the event of catastrophic failure and to allow for emergency access and potential future levee modifications;
- f. Inform property owners near levees of the risks and assistances in the event of levee failure;
- g. Avoid siting critical facilities in potential levee failure areas;
- h. Support the Santa Clara Valley Water District to develop, maintain existing and new flood protection facilities;
- i. Support regional flood protection efforts, such as South Bay Shoreline Protection when project-by-project mitigation may not be feasible.

**RESPONSE J-3:** The foregoing comments include SCVWD's recommendations regarding the project, the *Envision San José 2040 General Plan*. Policies and actions that address these recommendations are noted below.

- a. Action EC-5.15 states that San José will participate in the voluntary National Flood Insurance Program (NFIP) Community Rating System.
- b. Several policies and actions address the evaluation of flood/inundation conditions and maintaining or managing runoff flows in cooperation with the Santa Clara Valley Water District and other agencies. These include EC-5.1, EC-5.4, EC-5.7, EC-5.8, EC-5.17 and EC-5.19.
- c. Policy EC-5.13 requires evaluation of projected inundation for development projects near San Francisco Bay or at flood risk from local waterways. Currently, the Bay Conservation and Development Commission and California Ocean Protection Council would be two excellent sources for information on sea level rise projections in the South Bay. This policy does not specify particular sources to use as sea level rise projections may change and be updated in the future and the latest scientific information will need to be used.

- d. The following action will be added to the proposed project:  
Action EC- 5.21 Collaborate with the Santa Clara Valley Water District to ensure that new development does not preclude adequate access for levee repair or maintenance.
- e. Action EC-4.11 requires the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards and implementation of mitigation measures as part of the project approval process. Such evaluations would address development and static and seismic safety near levee slopes. Failure from erosion and flooding or from burrowing animals would not be covered routinely in such analyses. The SCVWD is generally responsible for the maintenance of levees along local streams. The Santa Clara Valley Water District maintains a Stream Maintenance Program to protect and manage more than 800 miles of streams in the county, including the City of San Jose. A key part of the program is a levee-safety program for approximately 100 miles of levees along local streams. The City can assist the SCVWD with their educational programs on levee safety by posting links on the City’s website.
- f. See Item e, above.
- g. Policy EC-5.12 addresses location of critical or public facilities. Current flood maps for the Alviso area do not assume that unengineered levees in the Baylands would limit tidal flooding. The City is not aware of other potential levee failure areas that could affect persons or property in other areas of the City,
- h. Refer to Policy EC-5.8.
- i. A regional flood protection effort for southern San Francisco Bay could provide an opportunity to adapt to projected sea level change. As called for in Action EC-5.20, the City proposes to continue to monitor information from regional, state and federal agencies and implement adaptive management actions, as needed.

**COMMENT J-4:** Update Dam Inundation Areas

The Water District has completed a seismic study of Anderson Dam that shows the material at the base of the dam may liquefy in a 7.25 magnitude earthquake on the nearby Calaveras Fault. The Water District has imposed operating restrictions to prevent the uncontrolled release of water after a major earthquake. Water at the reservoir is being kept at least 25 feet below the spillway and 45 feet below the crest of the dam. This increases the total allowed storage capacity of Water District reservoirs to 124,400 acre feet with operating restrictions in place (113,800 acre feet is reported on page 624 under "Local Runoff"). A seismic retrofit project has been initiated to fix the dam. The Water District is currently evaluating the stability of Almaden, Calero, Guadalupe, and Lenihan dams as well.

The Water District appreciates the Plan referencing the inundation maps for Anderson Dam, Almaden Dam, Calero Dam, Guadalupe Dam and Lenihan Dam (Lexington Reservoir). It is important to be aware that the ABAG maps, while very useful, are not the same as the official dam failure inundation maps produced by the Water District. Specifically the Water District suggests the City add references to the current inundation maps for these dams, and emphasize the importance of incorporating new versions of these maps as they are periodically updated following stability evaluations.

**RESPONSE J-4:** As noted in the discussion of Environmental Considerations/Hazards in Chapter 3, page 38, reference 5 of the Draft General Plan, the current Flood Inundation Maps available on the SCVWD’s website are from 2003. Policy EC-5.5 listed on page 546 of the Draft PEIR calls for the City to prepare and periodically update appropriate emergency plans for the safe evacuation of occupants of areas subject to possible inundation from dam

and levee failure. This update would include a review of available and current dam inundation maps, including those provided by the SCVWD.

**COMMENT J-5:** Provide Consistent Hydrology Analysis Throughout the Hydrology and Water Quality Report (Appendix G) and the Draft EIR the descriptions of water supplies are inconsistent. For example, on page 22 of the Study, it states that water in San Jose can be broken into three categories: groundwater, surface water, and imported water, and that imported water and surface water are treated prior to delivery. Most of the local surface water developed by the Water District and much of the Water District's imported water is supplied to in-stream and off-stream percolation facilities to supplement naturally occurring groundwater (as is mentioned on page 531 of the Draft EIR).

On page 46 of the Study and elsewhere it states that "Below Anderson Reservoir, Coyote Creek flow is diverted for groundwater recharge via the Metcalf Pond and the Ford Road ponds." It is important to note that groundwater recharge resulting from Water District operations such as reservoir releases are not confined to percolation ponds. The Water District manages reservoir releases for recharge within the stream channels as well.

The Study and Draft EIR blur the distinction between the water supplies to the county and the Water District's supplies. The Water District does not control or contract with SFPUC, and the SFPUC cannot be considered a supply of the Water District, although it is an important water supply for the county. The cited source for many of the figures is the Water District's Urban Water Management Plan, but descriptions and labels have been changed incorrectly. Imported water and treated water are not synonymous. Imported water and local surface water can both be treated and distributed to the water retailers; imported water and local surface water can also be percolated to the groundwater sub-basins for later extraction as pumped groundwater.

**RESPONSE J-5:** These comments are acknowledged. To clarify and reiterate, imported water that is delivered directly to customers in the City of San José by either the San José Municipal Water System or San José Water Company is treated to meet drinking water standards. Much of the water that the SCVWD imports is percolated in stream channels and percolation ponds for groundwater recharge. Water conveyed by the San Francisco Public Utilities Commission (SFPUC) from the Tuolumne River watershed to the city is supplied to some of the water customers of the City's Municipal Water System. The SFPUC is a separate entity from the SCVWD.

**COMMENT J-6:** Update or Incorporate Latest Plans for the Water Supply Availability  
The Water District is dedicated to ensuring a reliable supply of healthy, clean drinking water now and in the future. To do this, the quality and quantity of existing water supply sources, including groundwater, must be sustained and protected. Additionally, water conservation and recycled water use are increasingly important components of the county's water supply portfolio. The Water District appreciates the City's focus on water conservation and water recycling in the Envision San Jose 2040 General Plan.

The Water Supply Assessments from San Jose Water Company and San Jose Municipal Water System assume large increases in water demand over the time frame of the Envision San Jose 2040 General Plan. Much of the future supplies would come from groundwater, recycled water and water conservation. San Jose Municipal Water System expects to increase groundwater pumping from less than 1,000 acre feet per year to nearly 16,000 by 2035; and San Jose Water Company expects to

double groundwater extraction from approximately 42,000 acre feet per year to over 84,000 acre feet during the same period to accommodate growth.

The Draft EIR notes that according to the Water District’s 2010 Urban Water Management Plan (UWMP) water demands in Santa Clara County would exceed supply in normal rainfall after 2030 and in dry years the Water District would not be able to meet demand without severe water restrictions after 2025. The Draft EIR relies on increased water conservation efforts to ensure there will not be significant impacts to water supply; however it should be noted that 2010 Urban Water Management Plan already assumes significant water saving from conservation. Also, the demands included in the District’s 2010 UWMP are based on the demands provided by and used by the retailers in their UWMPs. If the retailer demand projections do not accurately reflect demands associated with Envision 2040, then shortages would be greater than indicated in the District’s 2010 UWMP.

**RESPONSE J-6:** The Water Supply Assessment (WSA) for the San José Water Company includes demand projections that are conservatively higher than those provided for the Santa Clara Valley Water District’s (SCVWD) 2010 UWMP.<sup>3</sup> The San José Municipal Water System’s WSA demand projections are consistent with those included in the SCVWD’s 2010 UWMP. In 2035, the water demand estimates contained in the SCVWD’s 2010 UWMP and the City of San José’s water demand estimates for Great Oaks Water Company service area both exceed Great Oaks’ 2010 UWMP demand projections. All of the demand estimates, however, are below Great Oaks’ available water supply estimate of 35,000 acre-feet per year. The retailer demand projections included in the SCVWD’s 2010 UWMP are representative of future demand and reflect growth in demand associated with the *Envision San José 2040 General Plan*, based upon currently available information.

The SCVWD’s 2010 UWMP assumes conservation savings from a baseline year of 1992. The City’s *Envision San José 2040 General Plan* policies call for a 25 percent per capita reduction from a baseline established in the water retailers’ 2010 UWMPs. The planned per capita water demand reduction exceeds the reductions through conservation included in the SCVWD’s 2010 UWMP.

Projected water supplies in subsequent UWMPs will be considered as a part of each Major Review of the proposed General Plan. The City’s readiness to begin the next General Plan Horizon and any modifications to the General Plan and policies related to water supply will be considered at that time. Modifications have been made to Policies IP-2.4 and MS-17.8 of the proposed General Plan to clarify future consideration of water supply, taking into account how the City is meeting its water conservation goals (refer to Section 5 Revisions to the Text of the Draft PEIR).

**COMMENT J-7:** Section 3.5.3.8 of the Draft EIR, on indirect impacts to the Bay and Delta Due to Procuring Water Supply, acknowledges the lack of a guaranteed entitlement for increasing water supply and the threat to the Water District’s imported water supply due to environmental concerns in the Sacramento Delta. Imported water is not only treated as a direct water supply, but it is also an important component of the Water District’s groundwater supply.

Both San Jose Water Company and San Jose Municipal Water System assessments made assumptions about groundwater resources. However, these assumptions have been updated in the

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<sup>3</sup> Walsh, Jacob. San José Water Company. Email communication. August 2011.

latest rounds of 2010 UWMPs for supply sources. The Water District believes that proposed policies need to be more explicit as groundwater supply will play a critical role in Envision 2040's expansion areas. Specifically, the Water District suggests the following:

- a. Actively coordinate with water suppliers to prevent overdraft, and to aggressively protect groundwater resources from the threat of contamination, including preventing saltwater intrusion, assess potential for groundwater and surface water contamination, provide preventive measures for new developments where storm runoff are directed into creeks upstream from groundwater recharge facilities and protect groundwater recharge areas, creeks, and creek sides, from urban encroachment;
- b. Support and contribute to long-term water supply planning and during each major review of the General Plan, confirm (not just coordinate) with water providers (including SFPUC, the District, water retailers) to ensure adequate water supply.

**RESPONSE J-7:** The assumptions for groundwater use are the same or lower in the 2010 UWMPs than in the WSAs prepared for the *Envision San José 2040 General Plan*. Also see Response I-5, above.

As indicated in the discussions of Impacts to Groundwater Recharge on page 549 and Water Supply Impacts on pages 649-652 of the Draft PEIR, the *Envision San José 2040 General Plan* contains policies to protect groundwater supplies including MS-20.2, MS-20.3, ER-9.4, and ER-10.5. Policy ER-9.3 also calls for using water resources in a manner that does not cause overdrafting of the groundwater basin.

Major reviews of the *Envision San José 2040 General Plan* will occur every four years and the Urban Water Management Plans are prepared by the SCVWD and local water retailers every 5 years. These planning processes will allow the City to implement Actions MS-17.7 and MS-17.8. Major development projects in the City (e.g., those that would use water equivalent to 500 residences or more) are also required under state law to prepare Water Supply Assessments which will allow the City, SCVWD, and local retailers to coordinate on the availability of water to serve planned development.

Refer to Section 5 Revisions to the Text of the Draft PEIR for the addition of Policy ER-9.3 and Actions MS-17.7 and MS-17.8 to the Water Use Impacts discussion and modifications to Policy IP-2.4.

**COMMENT J-8:** Strengthen Groundwater Protection

The Water District completed a Groundwater Vulnerability Study in October 2010 to evaluate the vulnerability of groundwater to potentially contaminating land use activities and aid in the protection of groundwater resources. The study indicates that groundwater in portions of the Santa Clara Subbasin is highly vulnerable due to the density of commercial/industrial sites or high recharge rates. Groundwater in the Coyote Valley is highly vulnerable to contamination due to high recharge rates and permeable soils. The study findings and related web-based geographical information system tool can be used to support the City's proposed Water Quality Policy MS-20.2, which relates to protecting groundwater in highly vulnerable areas. The Land Use Element should reflect appropriate land uses within these vulnerable areas.

As discussed above, groundwater will become an even more important source to meet increased demand from growth forecast in the Envision San Jose 2040 General Plan. Both the quality and

quantity of water to enter the groundwater basin must be protected. The text of section 3.7.3.2 in the Draft EIR appears to focus on protecting the Water District's percolation facilities from new development, rather than protecting areas throughout key recharge areas.

While a majority of groundwater replenishment comes from Water District activities, approximately 15 percent of the total County water supply comes from natural recharge. This natural recharge takes place in creeks and areas of the County with appropriate soil characteristics to allow water to infiltrate to the groundwater basin. In San Jose this occurs in portions of the Berryessa, Cambrian/Pioneer, Coyote, and Willow Glen Planning Areas (as stated on page 553). With this in mind, it is important that the City interpret Policies MS-20.2 and MS-20.3 to include all areas where groundwater percolation occurs, and not just in, or adjacent to, Water District percolation facilities.

**RESPONSE J-8:** The relative ease of water percolation in areas of San José and the potential for the introduction of contaminants to groundwater are discussed in Section 3.7.3.3. of the Draft PEIR under the subheading *Groundwater Quality*. Additional text and a figure have been added to refer to the analysis in the SCVWD's Groundwater Vulnerability Study (refer to Section 5 Revisions to the Text of the Draft PEIR). As noted in this comment, under Policy MS-20.2 and MS-20.3, future development in areas with a high degree of aquifer vulnerability will be required to be designed and operate in a manner that does not adversely impact groundwater quality.

The focus of Section 3.7.3.2 (Impacts to Groundwater Recharge) is on the physical recharge of the underlying groundwater. Policy MS-20.3 cited in this section addresses the protection of groundwater as a water supply source through flood protection measures, the use of appropriate stormwater infiltration practices as well as the replacement of percolation capacity of percolation facilities if modified for City (or other) infrastructure projects. This policy is one of several Measurable Sustainability and Water policies that address a sustainable water supply and water use.

As noted in Section 3.7.3.2 of the Draft PEIR, "Groundwater levels are maintained or recharged through infiltration of surface water below the ground surface into pore spaces, and/or fractures, in soil and rock materials" and "The SCVWD operates and maintains 18 major groundwater recharge systems, including *in-stream* and off-stream percolation facilities to assist with groundwater recharge in the Santa Clara Valley" (emphasis added). Policies MS-20.2, MS-20.3, and ER-10.5 are meant to address protecting groundwater in all areas where substantial groundwater percolation occurs.

**COMMENT J-9:** The Water District also notes that the transportation diagram shows new bridges over the Guadalupe River at Chynoweth Avenue and Thornwood Drive. These new bridges are not desirable as they would significantly impact Water District percolation facilities and the Water District needs to be included in the planning for these bridges. Policy MS-20.3 calls for replacement capacity in the event that existing percolation facilities are modified for infrastructure projects. This policy must be made clear to include the Water District in determining the capacity lost and to be replaced in order to maintain necessary ground water recharge. Determining replacement capacity includes critical parameters relative to soil conditions, location relative to the underground aquifer, and availability of water supply sources.

As the Chynoweth Avenue bridge is not included in the recent Almaden Ranch proposal, the disposition of the bridge is not clear. If the bridge is not needed for circulation impacts associated with this project, the nexus for future bridge construction is not apparent. If the bridge is still under

consideration, its alignment should be identified so as to place the current project buildings appropriately and minimize impacts to the Guadalupe River and recharge ponds.

**RESPONSE J-9:** The proposed General Plan includes several options for roadway connections in the vicinity of Chynoweth Avenue and Thornwood Drive. Whether a bridge or other connection will ultimately be used has not been determined by the decision makers, the San José City Council.

In the event new infrastructure could affect SCVWD facilities, the City would consult and work with the SCVWD on the design and location of any replacement percolation capacity at SCVWD facilities as a part of project formulation.

**COMMENT J-10:** Support Stream Stewardship

The Water District works to protect our watersheds by promoting good ecosystem habitat, stream biology and water quality. A significant factor affecting watershed health is the extent of development within, and adjacent to, riparian corridors. Managing development adjacent to creeks protects the stability of the receiving creeks from storm water, maintains the quality of the water, and minimizes flood hazards.

The Guidelines and Standards for Land-Use near Streams were developed cooperatively between the Water District, Santa Clara County, all 15 cities, with citizens, business, and agricultural interests to streamline the permitting process and protect stream and streamside resources. The Water District uses its Water Resources Protection Manual which is based on the Guidelines and Standards as the primary method to protect the county's creeks where a permit is necessary from the Water District. Please note that the Water District's jurisdiction to issue encroachment permits only applies where Water District holds a property interest (either in fee title or an easement); not within 50 feet of a watercourse as stated on page 451.

The City did not adopt the Guidelines and Standards, but determined that existing City guidance and regulation, including the Riparian Corridor Policy, is equivalent. The Riparian Corridor Policy is cited as a factor in reducing a number of potentially significant impacts to a less than significant level, including: natural communities and sensitive wildlife habitat; special status species; and surface water quality. Given the importance of the Riparian Corridor Policy to protecting the environment, the Water District encourages the City to strengthen the Policy by ensuring that exceptions to riparian buffer requirements are only allowed where a project proponent can definitively show that a lesser buffer is necessary and appropriate.

Setbacks from riparian corridors are necessary to protect the sensitive ecology of riparian corridors, provide an adequate movement corridor for wildlife, provide adequate space to maintain the creeks and levees, and protect surface and ground water quality.

Connection to our rivers and creeks is an important element to the quality of life for residents. The Water District supports creek-side trails where appropriate and the protection of open space that riparian corridors provide. In many cases, open space adjacent to creeks can provide multiple beneficial uses such as recreation and flood protection. However, trails should also be located outside riparian corridors. This could be clarified in trail policies such as PR-7.2 and PR-8.5.

**RESPONSE J-10:** Text has been added to page 451 of the Draft PEIR to reflect that the SCVWD's jurisdiction to issue encroachment permits only applies where Water District holds a property interest (either in fee title or an easement).

The SCVWD's opinions and recommendations in this comment regarding the City's Riparian Corridor Policy and location of trails outside riparian corridors are acknowledged. In the proposed General Plan, policies addressing the protection of riparian corridors are included Chapter 3. Policy ER-2.1 calls for new public and private development adjacent to riparian corridors in San José be consistent with the provisions of the City's Riparian Corridor Policy Study. The currently adopted development guidelines for trails in the Riparian Corridor Policy Study call for main trails to be out of the channel and set back from the edge of the top of bank. Trails also are to be sited to avoid sensitive riparian habitat areas. Text similar to that in Policy ER-2.1 will be added to trail policy PR-7.2.

**COMMENT J-11:** Expand Analysis of Regional Land Use Impacts and Mitigation

The 2003 General Plan Guideline recognized the importance of viewing the local general plan in its regional context, and the state Legislature has mandated consideration of certain regional impacts in the general plan. The Water District is working with the City on several important regional plans that span a 20-50 year horizon. Please include a discussion of the extent to which the general plan is compatible with other regional plans. The Water District suggests adding a policy to ensure that the city reexamines the general plan when important changes are made in these regional plans or agreements. Here are some examples that could affect or be affected by the General Plan:

- Joint Trails Agreements

The City and Water District approved the *Collaborative Action Plan and Agreement Between the City of San Jose and the Santa Clara Valley Water District for the Development and Operation of Joint Trails Projects* in June 2002. This document sets forth a framework for jointly engage in planning, developing, marketing and maintaining trails and other public recreational features related to those trails.

- Recycled Water Treatment

In February 2010, the Water District and the City of San Jose entered into an agreement that allows for the integration of the recycled water programs at the City and the Water District. The integration agreement promotes cooperation between the two agencies related to the management and operation of their respective recycled water facilities and programs over the terms of the agreement.

- South Bay Salt Pond Restoration Project

The largest tidal wetland restoration project on the West Coast, the goals of the project are to restore and enhance a mix of wetland habitats; provide wildlife-oriented public access and recreation; provide for flood management in the South Bay. When complete, the project will restore 15,100 acres of industrial salt ponds to a rich mosaic of tidal wetlands and other habitats adjacent to the City's service areas on the north.

- The South San Francisco Bay Shoreline Study (Shoreline Study)

A Congressionally-authorized study lead by the US Army Corps of Engineers together with local sponsors to identify and recommend for federal funding one or more projects for flood damage reduction, ecosystem restoration and related purposes such as public access. The study will examine tidally induced flooding in North San Jose.

- Santa Clara Valley Water Resources Protection Collaborative Resolution of Consensus

Approved by participating parties including the City of San Jose in Aug. 2004, the agreement was reached to guide cooperative efforts for enhanced water and watershed resources protection.

**RESPONSE J-11:** The PEIR addresses any inconsistencies of the project with regional plans in several sections as called for in CEQA Guidelines Section 15125(d). Regional plans include, but are not limited to air quality attainment and maintenance plans, waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, regional blueprint plans, plans for the reduction of greenhouse gas emissions, habitat conservation plans, natural community conservation plans and regional land use plans for the protection of the coastal zone and San Francisco Bay.

While the agreements, projects, and study listed above are programs in which the City has interest, is a signatory to or participates in, they are not adopted regional plans with policies or measures whose consistency needs to be addressed in the PEIR. The South Bay Salt Pond Restoration Project is discussed in Section 3.5 Biological Resources (refer to pages 423 and 472 of the Draft PEIR) and recycled water programs are described in both Section 3.7 Hydrology and Water Quality and Section 3.10 Utilities and Service Systems.

Implementation policies included in the General Plan require a major review of the General Plan every four years (refer to page 652 of the Draft EIR). The major review of the General Plan would be an appropriate time for important changes to regional planning efforts or programs that occur within the overall planning horizon to be incorporated into General Plan policies.

**COMMENT J-12:** Incorporate Climate Change Adaptation Strategies

As noted in the discussions regarding flooding, sea level rise, and water supply, climate change is likely to have significant impacts on the City and the region as a whole. Although it is true that the useful life of certain structures and development may be shorter than the period for sea levels to rise and be a threat (page 548), it is usually very difficult and expensive to remove an established use even if it is later within a hazardous zone. Growth without robust adaptation strategies will not support the City's commitment for environmental sustainability. The Water District suggests the City evaluate the vulnerabilities of the City's infrastructures in addition to the Treatment Plant, including but not limited to storm drainage systems, recycled water pipes, pump stations, transportation network and flood protection facilities, and adopt policies for directing an adaptive approach to incorporate best available science and minimizing flood damages, impacts to water supplies, and habitats when reviewing new development. Specifically, the Water District suggests the following, with an emphasis on the City's role in regional solutions for adapting to sea level rise:

- a. Avoid establishing or permitting new development inside future hazard zones if new protective structures would be necessary;
- b. Promote innovate approaches to redesigning coastal structures;
- c. Support statewide and integrated regional water management;
- d. Support expanding water storage and the management of groundwater resources; and
- e. Support for efforts to plan for and adapt to sea level rise, including advocate for regional approach.

**RESPONSE J-12:** SCVWD's opinion regarding the difficulty of removing an established use is noted.

As discussed on page 548 of the Draft PEIR, the City recognizes that additional evaluation and mitigation measures for flood protection and inundation related to climate change and sea level rise may be required for development and public infrastructure in the Alviso and

North San José areas. As noted in the discussion, this would include evaluation of infrastructure, such as pump station operation, and not just the San José/Santa Clara WPCP. As SCVWD lists in this comment, public infrastructure that could be affected by sea level rise in the Alviso and North San José areas include storm drainage systems, recycled water pipelines, pump stations, roads and trails, and flood protection facilities, such as levees.

As discussed in Response I-2, a regional flood protection effort for southern San Francisco Bay could provide an opportunity to adapt to projected sea level change. As called for in Action EC-5.20, the City proposes to continue to monitor information from regional, state and federal agencies and implement adaptive management actions for sea level rise, as needed. This could include promoting innovative approaches to coastal structures or participation in a regional program dealing with sea level rise.

Several of the SCVWD's recommendations in this comment for additional policies are related to water supply, including groundwater storage. As described in Section 3.10.3.1 Water Supply (page 649 of the Draft PEIR), the proposed General Plan includes policies that would help reduce impacts from increased water demand resulting from the project and that many of these policies require cooperation with other agencies to create solutions or facilitate regional programs.

The City is not a water wholesaler and cannot commit to supporting statewide or regional water management efforts or expanding water storage without more information on the specific efforts proposed.

**COMMENT J-13:** Factual Corrections

The following comments are to correct facts and update information contained in the Draft EIR and appendices. There are a number of additional comments that the Water District submitted in previous reviews that have not been incorporated into the Hydrology Report. We urge the City to coordinate review with the Water District and make revisions to ensure a factual report in the General Plan update.

- On page 17, the District does not review flood protection on all creeks in the County. The Water District provides comprehensive flood management for the County, and the capital improvement program seeks to identify, prioritize, and implement flood protection projects throughout the county.
- On page 22 of the Study there is a statement that “The impact of salt water intrusion to groundwater wells would be most pronounced for imported water sources but may also impact local groundwater wells in northern San José”. The meaning of this sentence is unclear.
- On page 34 and 35, the Guadalupe River begins at the confluence of Guadalupe Creek and Alamitos Creek in south San Jose and is known as the Guadalupe River for all its length to Alviso Slough.
- On page 59 of the Study and page 531 of the Draft EIR, there is reference to two subbasins within the Santa Clara Valley Basin in Santa Clara County, the Santa Clara Subbasin and the Coyote Sub-basin. The Water District previously referred to these as separate sub-basins, but as defined by DWR Bulletin 118, the groundwater sub-basin that underlies San Jose is properly referred to as the Santa Clara Sub-basin, a part of the Santa Clara Valley Basin. The Water

District has changed the nomenclature to conform to the DWR standard. The Coyote Valley area and the Santa Clara Plain area to the north are considered the two parts of the Santa Clara Sub-basin. The Llagas Subbasin is part of the Gilroy Hollister Valley Basin and is not part of the Santa Clara Valley Basin; in fact, it is in a separate hydrologic region.

- Page 61 of the Study states that "All three water retailers and SCVWD use groundwater from the SCVSB as a source of supply". The Water District manages the groundwater sub-basin through direct and in-lieu recharge programs and groundwater protection programs. The Water District does not currently extract groundwater as a source of public water supply.
- Much of the groundwater quality information starting with page 67 of the Study is five to ten years out of date. More current information on water quality is available from numerous sources, including later retailer water quality reports, annual groundwater quality reports and water quality fact sheets on the Water District's website, and from Water District staff. The information on perchlorate in particular is not correct, dating from November 2003 and earlier. The Water District no longer administers the Leaking Underground Storage Tank Oversight Program. MTBE is no longer in use in California; although there remain existing leak sites, it is no longer leaking from underground storage tanks as stated on page 101 and elsewhere.
- "Dam Failure" on page 531 incorrectly references the failure of dams at two percolation facilities -Coyote Creek and Rinconada.
- The discussion in sections 3.7.1.4 and 3.10.1.1 on recycled water should mention the construction of the Advanced Wastewater Treatment Plant.

The Water District is here to assist the City in ensuring that the community is protected from flood hazards and has a reliable and clean source of water. The Water District welcomes the opportunity to work with the City as you continue to develop the General Plan. If you have any questions or need further information, you can reach me at (408) 265-2607, extension 3095 or my colleague, Sarah Young at extension 2468. Please reference File No. 31811 on any future correspondence regarding this project.

**RESPONSE J-13:** The corrections and clarifications to the December 2010 Hydrology and Water Quality Report provided by SCVWD have been added as a preface to Appendix G of the PEIR (see Section 5 Revisions to the Text of Draft PEIR). The names of groundwater basins and sub-basins have also been revised in Section 3.7 Hydrology and Water Quality and Section 3.10 Utilities and Service Systems of the PEIR.

As shown on Figure 3.7-5 of the Draft PEIR, ABAG has identified small areas of possible inundation around the Coyote Creek and Rinconada percolation facilities.

Text in Sections 3.7.1.4 and 3.10.1.1 of the Draft PEIR has been added to include references to the Advanced Wastewater Treatment Plant currently under construction as a part of the South Bay Water Recycling System (see Section 5 Revisions to the Text of Draft PEIR).

**K. RESPONSES TO COMMENTS FROM THE SANTA CLARA COUNTY OPEN SPACE AUTHORITY, DATED AUGUST 15, 2011.**

**COMMENT K-1:** The Santa Clara County Open Space Authority appreciates the opportunity to comment on the Draft Program EIR for Envision San Jose 2040 General Plan and has the following comments:

The Open Space Authority's mission is to acquire and protect a regional system of open space and greenbelts. The Authority is committed to preserving connected habitat to ensure viability of endangered species and to conserve working lands to sustain our agricultural economy.

The Open Space Authority recognizes the proposed Envision San Jose 2040 General Plan provides a vision of future growth, development, and provision of municipal services for San Jose. However, as indicated in the proposed General Plan, implementation will likely result in development of the remaining agricultural sites designated as prime farmland within the Urban Service Area of the City of San Jose. Significant unavoidable impacts are proposed for the loss of this prime farm land and that no reasonable mitigation measures are available to reduce the loss. The Authority encourages the City to consider participation in an appropriate agricultural mitigation plan to mitigate or avoid the loss of agricultural lands.

**RESPONSE K-1:** The foregoing comments include the Open Space Authority's recommendations regarding the project, *the Envision San José 2040 General Plan*. The opinion regarding agriculture mitigation is acknowledged, but does not provide new information on how that can be accomplished (see also Section 3.1.4 in the Draft PEIR).

**COMMENT K-2:** The Open Space Authority commends the City of San Jose for emphasis on sustainability throughout the proposed General Plan, that include updated policies that ensure that future development in the planned Growth areas will be integrated into the existing urban structure with the least amount of conflict with agricultural uses in surrounding areas as well as addressing reduction to adverse impacts to greenbelt and natural habitat uses along city's edge.

Thank you for the opportunity to comment on the PEIR for the Envision San Jose 2040 General Plan.

**RESPONSE K-2:** This comment reflects opinions regarding the project, the *Envision San José 2040 General Plan*. No other response is required.

**L. RESPONSES TO COMMENTS FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, DATED AUGUST 15, 2011.**

**COMMENT L-1:** Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the above-referenced project. We have reviewed the proposed project’s EIR and offer the following comments.

*Traffic Impact Analysis (TIA)*

The turning traffic for all studied intersections must include AM and PM peak hour volumes, under existing and proposed DEIR conditions, including but not limited to the iStar and Rancho Del Pueblo residential options.

**RESPONSE L-1:** There were no intersections studied in this PEIR. As discussed in Section 3.2.1.3 Roadway Traffic Operations on page 209, San José does not now and has not for 30 years used intersection level of service for long term traffic projections associated with its General Plan. This same section of the Draft PEIR goes on to identify which elements or characteristics of the roadway system were studied and how. There is further detail on the regional model in Appendix B of the Draft PEIR, and Section 3.2.3.2 Transportation Impacts Methodology and Assumptions. The comment letter from the Santa Clara County Congestion Management Agency (see F-4 of this section of the First Amendment to the Draft PEIR) also speaks to the development and validation of the model.

**COMMENT L-2:** *Cultural Resources*

The following statement, under section 3.11.1.5 Archaeological Resources (see page 694) as it pertains to the State’s right-of-way (ROW), should be qualified as follows with the underlined language, “While it is probable that many of the potential resources, including foundations, wells, privies, and trash deposits, have been impacted and removed as a result of previous excavations for infrastructure improvements and other development activities over the past 100 years, it is unknown what resources remain.”

**RESPONSE L-2:** The statement is added for State of California rights-of-way in Section 5 Proposed Revisions to the Text of the Draft PEIR.

**COMMENT L-3:** *Sustainable Communities Strategies (SCS) – SB 375*

The DEIR should clarify how the scenarios were determined, particularly the scenarios involving any relevance to SB 375 and AB 32. The DEIR should also clarify for all scenarios whether impacts outside the San Jose Urban Growth Boundary (UGB) were taken into consideration or were only impacts within the UGB analyzed.

**RESPONSE L-3:** The selection of alternatives is discussed in Section 8.5 of the Draft PEIR. No separate alternatives were identified for just climate change or greenhouse gas impacts. The project evaluated is a major General Plan update for the entire City of San José. Five alternative land use scenarios were evaluated, plus “No Project” (which was defined as the indefinite continuation of use of the current General Plan).

The intent of the question about whether or not “only impacts within the UGB” were analyzed is not clear. Is the question asking whether impacts from development that occurs

outside the UGB were considered, or is it asking whether impacts from development inside the UGB upon land outside the UGB were considered?

Regardless of the meaning, the answer to both versions of the question is yes. The EIR analyzed impacts from development allowed within the UGB upon conditions outside the UGB including both the natural environment of the hills, baylands, farmlands, and rural environments and upon the urban environment of adjacent cities. The EIR also evaluated impacts from the amount of development allowed by the Plan outside the UGB on the existing environment outside the UGB.

For example, Section 3.1.1.3 Existing Land Use starting on page 141 of the Draft PEIR, identifies remaining prime farmland both inside and outside the UGB. Section 3.1.1.4 Existing Land Uses in Surrounding Areas, starting on page 146, summarizes the adjacent land uses in all of the surrounding cities adjacent to San José (and by definition outside San José's UGB). Section 3.1.3.7 is specifically entitled Land Use Impacts Outside the Urban Growth Boundary, and includes a subsection entitled Proposed General Plan Policies and Actions that Reduce or Avoid Possible Adverse Land Use Impacts Outside the UGB.

Likewise, Section 3.2 Transportation includes, for example, Screenline Locations both inside and outside the San José UGB (Figure 3.2-2 page 211) and at the end of the Existing Setting section is a paragraph describing Adjacent Jurisdiction Roadway Segments (page 260). Impacts to Adjacent Jurisdictions are described in Section 3.2.4.5, starting on page 287.

Section 3.2.4.5 is entitled Impacts to Adjacent Jurisdictions, all of which are outside San José' UGB.

The discussion of air quality existing conditions and impacts conforms to BAAQMD standards for evaluating regional impacts.

Section 3.5 addresses vegetation and wildlife starting on page 408. There is extensive discussion throughout this section of the natural resources that exist both inside and outside the City's UGB, including resources inside the City limits but outside the UGB. Each subsection of the Impacts section specifies where different types and quantities of planned development will or will not contribute to potential impacts inside and/or outside the UGB (see for example, pages 474, 479, 481, 483, etc.).

Another example is Section 3.12.3.1 Impacts to Scenic Vistas, which discusses visual and aesthetic impacts from development allowed both within and outside the UGB. Discussion on page 726 explicitly addresses the importance of the Urban Growth Boundary (UGB) itself in preserving scenic vistas.

**COMMENT L-4:** *Pedestrian Safety*

The DEIR should include a map depicting the pedestrian corridors, to accompany the Pedestrian Circulation section (see page 223).

**RESPONSE L-4:** The reference on page 223 is part of the Existing Setting section of the existing General Plan. The map referred to is not part of the proposed *Envision San José 2040 General Plan*. The "Pedestrian Priority Areas Diagram" is available here:

[http://www.sanjoseca.gov/planning/gp/2020\\_text/Pdf\\_version/2010/GPChp5\\_2010-12-07.pdf](http://www.sanjoseca.gov/planning/gp/2020_text/Pdf_version/2010/GPChp5_2010-12-07.pdf)

The planned bicycle and pedestrian improvements are shown on Figure 3.2-9, on page 254 of the Draft PEIR.

## ORGANIZATIONS AND INDIVIDUALS

### 1. RESPONSES TO COMMENTS FROM CAROL ASHMAN, DATED JUNE 19, 2011.

**COMMENT 1-A:** I've been trying to understand how the Draft Program EIR specifically affects my area, SJ City Council District 8. Unfortunately, it appears that this district has been split into 5 different areas for planning purposes. This makes it difficult to understand how my area as a whole will be impacted. Add to that the blurry maps, especially the Legends, which appear in the PDF, and you can see how it could euphemistically be called "challenging."

**RESPONSE 1-A:** City staff provided a response to the letter writer via email on June 23, 2011 to assist with viewing of map legends and with access to the Draft Envision Land Use/Transportation Diagram described in the Draft PEIR on the City's website. Because of the scale of the General Plan Diagram, it does not typically include parcel lines or local street names. It was noted that other interfaces on the City's website allow the viewer to adjust the scale of the Land Use/Transportation Diagram and search by address were available. These include:

- [http://www.sanjoseca.gov/planning/gp\\_update/landuse\\_diagram\\_gmaps.asp](http://www.sanjoseca.gov/planning/gp_update/landuse_diagram_gmaps.asp)

(The GoogleMaps interface on this website also allows a viewer to select a land use area to link to more information about the planned land uses)

- [http://www.sanjoseca.gov/planning/gp\\_update/landuse\\_diagram.asp](http://www.sanjoseca.gov/planning/gp_update/landuse_diagram.asp)

City staff also added an enlarged copy of the map legend as part of the PEIR posting at: <http://www.sanjoseca.gov/planning/eir/EIR.asp>

By established City practice, the proposed General Plan and PEIR are organized around planning areas rather than Council Districts.

**COMMENT 1-B:** Specific questions that I'm interested in are:

- 1) How many more homes will be built in District 8?
- 2) What commercial development will be built in District 8?

**RESPONSE 1-B:** As noted above, by established City practice, the proposed General Plan and PEIR are organized around planning areas rather than Council Districts. Council Districts change with reapportionment every 10 years and so no estimate has been made of projected growth by City Council district.

**COMMENT 1-C:** 3) Where specifically will these developments be located? I know about the large areas in the hills behind Evergreen Valley College, near Eastridge Mall, and Evergreen Village Square. But if you expect thousands of new buildings, just where else do you expect them to go?  
4) What community improvements will be added to handle this growth? e.g., new community centers, libraries, sports fields for kids, & parks for adults

**RESPONSE 1-C:** Within the PEIR, please refer to Figure 2.2-1 which gives the Citywide view of the Growth Areas and to Figure 2.2-18 which illustrates proposed

roadway modifications. A table identifying the planned amounts of job and housing growth for each Growth Area is posted at:

[http://www.sanjoseca.gov/planning/gp\\_update/meetings/3-21-11/Resource%20Materials/Scenario7\\_Jobs&Housing\\_3\\_Horizons\\_Alternative.pdf](http://www.sanjoseca.gov/planning/gp_update/meetings/3-21-11/Resource%20Materials/Scenario7_Jobs&Housing_3_Horizons_Alternative.pdf)

**COMMENT 1-D:** 5) What will compensate the current residents for the increased traffic, noise, police & fire response time, and facility overcrowding (such as schools & parks)?  
6) What will compensate the current residents for the decrease in water supply (forcing rationing), decrease in open space in our nearby hills, and loss of privacy?

**RESPONSE 1-D:** The foregoing comments address a range of concerns regarding effects of future development on current residents of San José. The PEIR addresses the environmental effects of implementation of the proposed project, the *Envision San José 2040 General Plan*. As disclosed in Section 3.2 Transportation and Section 3.3 Noise and Vibration, new development allowed under the proposed General Plan will generate a significant increase in traffic, congestion will increase on already congested roadways, and traffic noise would impact noise sensitive land uses at some locations, especially adjacent to heavily traveled roadways. Roadway screenlines that would experience significant increases in traffic are listed in Table 3.2-15 and significant increases in noise levels for major roadways are shown in Table 3.3-7 of the PEIR. Identified significant impacts occur throughout the city. Policies designed to reduce vehicular travel and increase walkability are also identified in Section 3.2.4.1, Section 3.2.4.2, and Section 3.2.4.3 of the Draft PEIR.

The provision of public facilities and services, including police and fire services, schools and parks are addressed in Section 3.9 of the PEIR. Proposed General Plan policies that address the provision of additional fire protection services, police services, schools, parks, and libraries are listed on pages 610-611, 612-613, 615, 618-619 and 621 of the Draft PEIR.

As discussed on page 652 of the Draft PEIR, based upon the SCVWD Urban Water Management Plan 2010, the potential for water demand to exceed supply after 2025 would result in the need for additional water storage and water supply. The proposed General Plan includes policies that only allow new development to occur when adequate water supply and facilities exist to serve that development. In addition, as part of the major review of the General Plan every four years, water supply, water conservation and future growth will be assessed based on conditions at the time of the major review.

Future growth in San José is proposed to be focused within the City's Urban Growth Boundary, and a substantial decrease in open space in hillside areas is not an anticipated impact of implementation of the proposed General Plan.

Land use impacts from implementation of revised land use designations are addressed in Section 3.1.3.1 of the PEIR. As discussed in this section, land use conflicts, such as visual intrusion (i.e., loss of privacy) associated with future development can be adequately addressed if taken into account in the design of a new project. Elements of the proposed General Plan intended to mitigate for land use impacts are listed on pages 157-159 of the Draft PEIR.

The proposed General Plan provides a vision of future growth, development and the provision of municipal services in San José. The General Plan would not pay, or compensate, existing residents related to future growth.

**COMMENT 1-E:** 7) Are any current owners going to lose their home or property in this plan, such as to allow access for new residents? For example, some of the narrow streets surrounding the former Pleasant Hills Golf Course have houses on either side. In order to widen the road to allow safe passage for new residents, existing homes would have to be removed.

**RESPONSE 1-E:** The number of roadways planned for widening citywide has been reduced in the proposed General Plan compared to the existing General Plan. Some right-of-way acquisition could be required, however a substantial impact to housing is not anticipated. The proposed land use designation on the former Pleasant Hills Golf Course is *Private Recreation and Open Space* and this property is not planned for residential development. White Road, which is located adjacent to the former golf course, is planned for future widening.

**COMMENT 1-F:** 8) Is it possible to get maps of your areas that show planned development which are completely legible? This includes the legend & colors shown. Specifically, the planning areas called Alum Rock, Evergreen, San Felipe, Edenvale, & Coyote.

**RESPONSE 1-F:** Please refer to Response 1-A.

## 2. RESPONSES TO COMMENTS FROM CRAIG OW, DATED JULY 22, 2011.

**COMMENT 2-A:** Regarding the proposed change to the iStar site, would the height limitations be lowered? Previous changes raised the height limits and this was a big mistake. Just take a look at the new server farm building at Hwy 85 and Great Oaks Blvd. For those of us who live on the east side of Monterey Hwy, where we once could see hills on the west side, now we see an ugly concrete wall.

Also if the new plan allows buildings, whether residential or not, to be built at this height right next to Great Oaks Blvd, and the high-speed rail is built, this will be like creating a giant sound wall which would adversely impact the existing residences on the east side of Monterey Hwy. The height limits need to be lowered along Great Oaks Blvd from hwy 85 to Cottle Rd.

**RESPONSE 2-A:** Under the proposed General Plan, building heights would be a function of allowed densities for each land use designation. The land use designation under the iStar Residential Option would be *Mixed Use Neighborhood*, a designation that allows residential density of up to 30 dwelling units per acre and a Floor Area Ratio (FAR) of 0.25 to 2.0. Building heights typically would be 1 to 3.5 stories. The proposed General Plan includes policies that specify the Zoning Ordinance should be used to establish specific height limits for different locations within the city, and that such height limits should be established to avoid long-term land use incompatibilities. Proposed General Plan policies also address the need to preserve views of the hillsides and other natural features along identified Scenic Corridors and Attractive Gateways, which would apply to the iStar site.

A project-level noise analysis, including changes in ambient noise levels, would be undertaken at the time a specific development is proposed.

**COMMENT 2-B:** Another concern is the traffic impact. The new residential density needs to be considered along with that which is proposed at the Hitachi site. The ramps to Highways 85 and 101 will become even more jammed in the mornings.

**RESPONSE 2-B:** The environmental review of the iStar site General Plan land use designation is a program-level review including only a long term traffic analysis (for 2035). A project-level transportation analysis, including nearby intersections at freeway ramps, would be undertaken at the time a specific development is proposed.

### **3. RESPONSES TO COMMENTS FROM ALMADEN VALLEY COMMUNITY ASSOCIATION, DATED JULY 26, 2011.**

**COMMENT 3-A:** In reviewing the current draft of Envision San José 2040 and the draft Program Environmental Impact Report, the board of the Almaden Valley Community Association finds a great deal to recommend the new plan. Some of the particularly strong points are:

- Clearly defining the urban boundaries of San José
- Protecting the Mid Coyote Valley and South Almaden Valley Urban Reserves
- Addressing the expansion of jobs within the city of San José
- Providing for periodic, serious reviews of San Jose’s evolution in comparison with the goals of the General Plan.
- Focusing growth into areas where it can be best supported.
- Using one or more “Urban Villages” as a pilot, because they may not work as envisioned.

The PEIR makes it clear that growing the population of San Jose will have an adverse effect on the quality of life in the city. In fact, the quality of life in San Jose has been deteriorating already, largely because of ten consecutive years of budget deficits. This has created the obvious effects of deferred maintenance on the streets, medians, and parks in the city. It has created libraries that are closed as much as they are open, averaging in the newly constructed, vacant sites. More recently, these deficits have created a probable decrease in public safety because of police and fire lay-offs.

Consequently, the focus of Envision San José 2040 on expanding the city’s employment base is extremely important. A fiscal analysis of San Jose’s existing land usage (prepared by ADR, Inc.) shows that every new job in the city is a net financial benefit to the city, and every new residence is a net financial loss. Keeping job creation as a primary focus is a long term strategy that will enhance the sustainability of San Jose and its quality of life. This general plan correctly reflects that.

Based on Table 8.5-1 in the PEIR, the baseline plan proposes adding 470,000 new jobs over the 30-year horizon of the plan, and it proposes adding 120,000 dwelling units. We find Scenario 1 (It is titled “Low Growth.”) very interesting because it adds 88,650 dwelling units over the same time frame. This rate matches the 3,000 DU/year growth that the city has experienced over the last decade. There is no apparent need to expand the housing base faster than the recent pace, and acceleration is bound to be difficult because the amount of buildable land is severely constrained. Housing is going to expand vertically, and the market has not totally embraced that concept, so far. As noted above, each added residence is a net expense in the San Jose budget.

Scenario 1 is probably more realistic, and for that reason it is a better choice than the baseline plan. Scenario 1 calls for adding 346,550 jobs in thirty years, approximately doubling the employment base. The so-called “Low Growth” plan targets a ratio of 1.2 jobs for each employable resident. That is clearly a worthy objective, even though it is slightly less than the goal of 1.3 in the General Plan.

This is where the periodic reviews are extremely important. If the city’s employment growth falls significantly behind a rate of 4 jobs per new dwelling unit, the review process should trigger a moratorium on residential construction. (That ratio, 4 jobs/DU, is roughly common to both the proposed General Plan and Scenario 1.)

AVCA has noted that the Association of Bay Area Governments proposes a very different scenario, one in which San Jose continues to act as a dormitory for the balance of the Bay Area. That is clearly

not acceptable. Being a bedroom community contributes to the city's structural deficits, and it adds to the average vehicle miles traveled. Bad for the roads. Bad for the air. Bad for the quality of life. Bad for San Jose's sustainability.

There are assumptions in the General Plan concerning the success of mass transit. Like the popularity of high rise living, that cannot be taken for granted. This area developed as car-connected region. A major part of Silicon Valley's appeal to highly educated workers is the fact that if something goes wrong at Company A in Santa Clara, Company B in San Jose has job openings; one's career can progress without selling a house, changing schools, or abandoning friends and neighbors. Since that flexibility is important to the key workers, it must be retained, because companies come here for the highly trained, highly innovative labor force. The flexible connection between Silicon Valley companies and their workers is the local infrastructure, and today that infrastructure is roads.

Consequently, the efficacy of mass transit must also be included in the periodic reviews. At this time, mass transit, bicycles and even car pools represent a small fraction of the overall employment-related traffic.

One of the opportunities for relieving congestion lies in telecommunications, which is almost an afterthought in the General Plan. It is addressed in general terms at the end of Chapter 3 in the General Plan. Most of the dark optical fiber has vanished, and IN 6 on page 3-58 stresses localized communication capabilities. To be attractive, San Jose also needs to have data communication freeways, high capacity fiber trunks, switching nodes and server farms. As long as we are human, face-to-face communication will be best, but high bandwidth video conferences are becoming more common and better tolerated because of savings in time and travel. Bandwidth availability across the city will facilitate more work from home, as well. In fact, work-from-home is a potential bonanza for reducing vehicle miles in San Jose and Silicon Valley.

The Program Environmental Impact Report makes it clear that increasing the population density of San Jose will create unavoidable adverse effects. Key to mitigating those effects is having an economically and fiscally sustainable city. Envision San José 2040 charts a path toward that goal, and for that reason it deserves strong support. The plan needs further buttressing to make sure that its aims are followed. Since expanding housing has been San Jose's easiest growth path in the past, the reviews should be capable of establishing housing moratoria when the dwelling units are out-running job creation, or when they are out-running infrastructure capacity.

Attracting jobs to San Jose at the rates suggested in either the General Plan or in the Low Growth Scenario is a serious challenge. The City Council must examine both the encouragements and impediments posed by the City of San Jose. Wise strategies and skilled execution will be required to bring 12,000 to 16,000 new jobs here every year.

**RESPONSE 3-A:** Although this comment refers to the PEIR, it does not ask any questions about the content or analysis in the Draft PEIR, and does not comment on the adequacy of the document. No response is, therefore, required. As a comment letter, it will be included in the Final PEIR.

#### 4. RESPONSES TO COMMENTS FROM LARRY AMES, DATED JULY 27, 2011.

**COMMENT 4-A:** I am writing to give my personal thoughts and comments on the draft Program Environmental Impact Report for the San José General Plan Update – the Envision 2040 PEIR. I have spoken at a number of the meetings during the Public Comment time, and I have submitted a couple written comments. However, this is the time to give overall comments and detailed corrections, “for the record”.

I have been very impressed by the thoroughness and openness of the Envision 2040 process. A knowledgeable and diverse task force was selected by the City that well-represented the diversity of the community, geographically, demographically, and by occupation and interest. The co-Chairs did a remarkable job at keeping the discussions civil, on-topic, and to-the-point; the City Staff were excellent in their preparations and presentations. There were roughly fifty open-to-the-public working meetings, plus a couple field-trips and several weekend community outreach meetings: we, involved members of the community, had ample opportunities to provide written and verbal comments throughout the process.

The Envision 2040 Task Force has had a monumental challenge: how to plan for the anticipated growth sustainably. It’s as if the entire city of Oakland (or half of San Francisco) were to be added to San José, while staying within the current borders, and doing so without impacting the habitat or damaging the quality-of-life here.

I have followed the various General Plans over the years, and I applaud the change in emphasis that is apparent in this General Plan Update. The Task Force worked by the mantra “Design a city for cars and you’ll get more cars; design it for people and you’ll get a better city.” I recall that San José’s 1985 General Plan was all about how to move cars faster to the edges of the city; the “Horizon 2000” tried to make the traffic more bearable with development tied to “Level of Service” at intersections; “San José 2020” worked to limit urban sprawl with “the Greenline” Urban Growth Boundary and the concept of in-fill; and now Envision 2040 strengthens the Greenline and aims for a walkable/bikeable city with a reduction in Vehicle Miles Traveled. By concentrating growth in denser village-like nodes along the transit corridors, the plan encourages walking/biking for shopping and entertainment, and transit for the daily commute. In addition, by concentrating the development in limited regions of the city, there is less damage to the riparian habitats, hillsides, and baylands, and also less damage to existing historically-interesting residential districts.

**RESPONSE 4-A:** These paragraphs reflect the letter writer’s opinion about the project, the *Envision San José 2040 General Plan*. The comments do not speak to any environmental issues or the adequacy of the PEIR. No response is required.

**COMMENT 4-B:** Enough compliments: I do have a couple concerns as well:  
As I have said on a couple occasions, I am troubled by the goal of 1.3 jobs per employed resident. I support the goal to “Shift the focus of the city’s growth to establish San José as a regional employment center to enhance the City’s leadership role”, and I understand the city’s desire to “grow up” and cease being just a bedroom community. I also understand how jobs provide more tax revenue and less of a financial drain than residences. San Francisco has a high jobs:resident ratio: it can do so because it draws in workers by BART and CalTrain from the adjacent Peninsula and East-bay cities. San José, however, is surrounded by Palo Alto, Sunnyvale, Mountain View and Santa Clara, all of which already have high jobs:resident ratios and thus will be unable to provide a large supply of workers to San José. On the east is the Diablo Range, and San José is trying to preserve a greenbelt between it and Morgan Hill to the south: to bring in workers means long commutes from

the nearest towns. I feel it is great for the city to plan on being able to accommodate a large number of high-quality jobs (e.g., in the design and manufacture sector and not just in the service industry), but it does not seem environmentally sustainable to plan on encouraging a high level of long-distance commuting. Also, based on past experience, it seems that whenever there are lots of jobs here, the demand for housing increases, driving up the cost, which causes a call for the building of more affordable housing, which in turn lowers the job:resident ratio again.

**RESPONSE 4-B:** The PEIR evaluates the Plan as it is proposed. The policies in the General Plan do not encourage a high level of long-distance commuting; the new and revised policies focus on changing the way people travel (e.g., primarily in single-occupant automobiles). The proposed revisions in the transportation network emphasize the need to encourage the use of non-automobile methods of travel. Expansion of trails, sidewalks, and bicycle paths and increased emphasis on their place in roadway designs (“complete streets”) reflect a different approach to transportation planning. Various transit systems are embedded more deeply in San José, linking more parts of the City and County. The PEIR acknowledges that there is no analytic tool currently available that can calculate the integrated results of the combination of evolving infrastructure, new policies, and expanded transit. The PEIR also cannot speculate on what changes in public policies might be proposed in the future.

**COMMENT 4-C:** There was considerable public input and Task Force support for the “Three Creeks Trail”, which is planned to go along the abandoned Willow Glen Spur railroad corridor. I note that Fig. 2.2-17 does not properly reflect the alignment: it has the trail following a previously considered alignment along Alma Street rather than on the former railroad right-of-way. I have heard that this is just a clerical mistake and that the map will be replaced with an updated version. Nonetheless, for the record: there should be a dotted black line just south of Alma from Minnesota to Senter. Also, is Table 2.2-15 correct in calling for Alma to be converted from 4 lanes to 2-lane multimodal? – I thought it was one of the few designated truck routes.

**RESPONSE 4-C:** The trail master planning process is not yet complete and there may be final right-of-way issues to be resolved for the Three Creeks Trail so designating its right-of-way now would be premature.

Designation as a truck route does not conflict with widening or narrowing of streets. The truck route status is to ensure proper roadway design standards are adhered to so truck traffic is safely accommodated. Design considerations include standard travel lane width, horizontal curve radius and vertical curve lengths, curb returns, and structural clearance. In this case (for Alma), the truck route designation might also include consideration and use of a higher design standard for the bike way. There is no inherent conflict between a bike route and a truck route, and truck routes can be two-lane roadways.

**COMMENT 4-D:** As I said during public comment, I wish that Lincoln Avenue would be added to the list of streets under consideration for reduction from 4 to 2 lanes of traffic. It is being designated as the “Main Street” that serves the historic downtown neighborhood commercial district of Willow Glen. While it does have to carry a fair amount of traffic, the current four lanes are not optimally configured: in places one lane is blocked by left-turners, other places the other is blocked by parallel-parkers, and the through-traffic is already effectively a single lane that weaves around the obstacles. If Lincoln were converted to one-lane each way, with a 2-way left-turn middle lane and bike lanes along the side, the traffic would move more smoothly and efficiently, the neighborhood commercial district would better serve the local community (by being more accessible by bike), and I

would predict that the impact on the through traffic would be minimal. (I'd recommend having the 3-lane configuration run the full length from Almaden Expressway to San Carlos, so as to avoid having a lane of traffic peel off into one local residential street or another.)

**RESPONSE 4-D:** Please see Master Response A: Lincoln Avenue Designation, which is found at the beginning of Section 4 Responses to Comments on the Draft PEIR.

**COMMENT 4-E:** Table 2.2-15 lists a new freeway interchange at Senter at I-280, which is also shown in Fig. 2.2-18. I don't recall this ever being mentioned during any of the presentations. I can see how it could help with traffic near "Little Saigon" and Kelley Park, but I wonder how it can be configured so as to not impact the nearby McLaughlin and 11th Street intersections. But the main reason I mention it: the alignment is adjacent to a historic train trestle on the abandoned Willow Glen Spur line. Just north of here, the right-of-way is being planned for "the Five-Wounds Trail", and it would be wonderful for the trail to continue under I-280, across the trestle, and over to Kelley Park. Would the Senter Rd. intersection be compatible with such a trail? (Note: such a trail would provide access to the planned BART station, and would also provide an off-road bypass around a difficult-to-construct segment of the planned Coyote Creek Trail through downtown.)

**RESPONSE 4-E:** The preliminary engineering concept for the 280/Senter Interchange shows Senter Road being extended in the abandoned rail line right-of-way. Unless an alternative alignment is devised for Senter Road, the trestle would have to be removed. In the environmental documentation prepared for the Coyote Creek Trail in 2007, an architectural historian concluded that the Western Pacific Railroad trestle bridge near Story Road is a typical example of a common type and has no known association with important events or persons in local history. While the bridge would typically be re-evaluated when the interchange design is further developed, available information indicates that removal of the trestle would not result in a significant adverse environmental impact to a historic resource.

**COMMENT 4F:** The saying is "the Devil's in the details", and there is a lot of detail in this PEIR! I'm afraid I've run out of time for reviewing and commenting. However, besides the few points of concern mentioned above, I find that a lot of the details are good:

I am pleased to see Policy ER-3.1 – ER-3.4 in Section 3.0 on Riparian ("streamside") setbacks. The riparian habitats are vital for the environment. San José has had a Riparian Setback Policy for decades now, but it has just been a "guideline". Sometime it is followed fairly well (e.g., at the Monte Vista project along the Los Gatos Creek or the new complex at Hillsdale on the Coyote), other times the developers seem to "get away with murder" (recent examples include Malone at the Guadalupe or the newly approved "right-up-to-the-edge" project on Guadalupe Mines Road). I hope that, by being part of Envision 2040, the riparian setback policies will be more rigorously implemented.

I'm glad to see in Table 2.2-18 that an intersection is planned for US-101 at 4th Street. This will tie into an extension of Skyport Drive, providing improved access from US-101 to San José International Airport.

Figure 2.2-18 shows that the Almaden / Vine one-way pair will be decoupled. This will be very beneficial to the local community. However, unless measures are taken in advance, this may result in more of the Almaden Expressway traffic peeling off on to Lincoln. (This is yet another reason for converting Lincoln Ave. into a "complete" street, so as to avoid having the Almaden/Vine improvements adversely affecting an adjacent community!)

And I especially appreciate the passage starting on p. 126 that lists the “basic objectives” for the policies and goals: they are wonderful!

Congratulations on completing this significant step in the long and thorough process of updating the General Plan!

**RESPONSE 4-F:** These comments do not raise any questions about the analysis or information in the PEIR. As part of this comment letter, they will be included in the Final Program EIR. No other response is required.

**5. RESPONSES TO COMMENTS FROM ROBERT HOSLER, DATED JULY 27, 2011.**

**COMMENT 5-A:** Please add me to the list of people who support the maintaining of the Rancho Del Pueblo golf course. There are already homes in this area that aren't selling and just adding more is counterproductive for everyone but developers. There is no other facility like this in east San Jose (short, 9-hole golf). Many of us (seniors) who do not have the time or energy for 18 holes, rely upon this facility to get us outdoors and provide a place for our exercise and social contact...both beneficial to our health. Once this is gone, it will be cost-prohibitive to recreate elsewhere. It would be much easier to provide housing at another site without sacrificing the health of the community. In addition to the seniors using this course, many children also use it with parents or mentors teaching them to game of golf. This is very important to the youth of the community as the city seems intent on closing many of the few places still available for their recreation.

**RESPONSE 5-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood, which is at the beginning of this section, Section 4. Responses to Comments.

**6. RESPONSES TO COMMENTS FROM PACIFIC GAS & ELECTRIC, DATED JULY 27, 2011.**

**COMMENT 6-A:** PG&E owns and operates gas and electric facilities located within the project area. To promote the safe and reliable maintenance and operation of these utility facilities, the CPUC has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, planners and project proponents should coordinate with PG&E early in the development of their project. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocations require long lead times and are not always feasible, developers should be encouraged to consult with PG&E as early in their planning stages as possible.

We would like to note that expansion of utility facilities is a necessary consequence of growth and development. As development occurs, the cumulative impacts of new energy load growth use up available capacity in the utility system. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substations and building new substations and interconnecting transmission line. Comparable upgrades or additions would be required for our gas system as well.

We recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments, and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

Please note that continued development consistent with your General Plan will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions to the facilities that supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

We would like to recommend that environmental documents for proposed project include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve the future developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with the California Environmental Quality Act (CEQA) and reduce potential delays to the project schedule.

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

We would also request that we be copied on future correspondence regarding this subject as this project develops and that we be placed on the list to review the Final Environmental Impacts Report (FEIR).

**RESPONSE 6-A:** The roles and responsibilities of PG&E and the CPUC and projected utility loads in San José are discussed in Section 3.13.4 Energy Impacts in the PEIR.

PG&E's comments regarding easements, costs associated with relocation of PG&E facilities, and cumulative demand within the utility system requiring new local distribution feeders or other electric or gas system improvements for individual development projects are acknowledged. As discussed in Section 3.10.3.5 Secondary Energy Impacts of the Draft PEIR, development allowed under the proposed General Plan may require construction of utility system improvements to provide adequate natural gas and electricity. Needed improvements could range from on-site to off-site installations of pipelines, power lines and/or electric substations. As noted on page 668 of the Draft PEIR, the City has provided information to Pacific Gas and Electric on the proposed General Plan and will continue to coordinate with their Service Planning and Distribution Planning Departments on utility needs.

**7. RESPONSES TO COMMENTS FROM PRESERVATION ACTION COUNCIL OF SAN JOSE, DATED JULY 28, 2011.**

**COMMENT 7-A:** The Preservation Action Council of San Jose (PAC\*SJ) is pleased to have this opportunity to comment on the Envision 2040 Environmental Impact Report. Our comments are generally confined to Section 3.0 - 3.11 Cultural and Paleontological Resources.

The Summary of Impacts and Mitigation Measures does not include any “Significant Unavoidable” impacts for Cultural or Paleontological resources. That is because the premise of the Envision 2040 EIR is that the proposed plan will be “self-mitigating since it incorporates policies and actions to implement the identified mitigation and avoidance measures for future projects that are consistent with the General Plan” (Page 134). This premise will be true as long as proposed development is consistent with the adopted 2040 General Plan and all of the policies contained in Section 3.11 are implemented.

However, successful protection of historic resources will also require the completion of the City's Historic Resources Inventory. The EIR admits that the Inventory is incomplete and that this EIR only deals with “identified” or “known” resources, and there is “much that is not known” (Page 694). That is an inadequacy in the EIR that cannot be corrected until all of the cultural and historic resources have been successfully identified. The EIR emphasizes that the City needs to identify the resources and funding to complete the Historic Resources Inventory. PAC\*SJ strongly supports this recommendation.

**RESPONSE 7-A:** Given the size of the city, the incorporation of many distinct neighborhoods through annexation, and the diversity of periods of cultural and historic significance in San José, identification of historic resources on the City’s Historic Resources Inventory is and will continue to be an on-going process. As noted on page 685 of the PEIR, many, but not all, cultural resources in San José have been identified over the past 50 years. In addition, resources that may be considered historic are expanding as the importance of mid-20<sup>th</sup> Century economic, cultural and architectural contributions to the City’s historic fabric are recognized.

The PEIR includes discussions of other buildings, structures and resources in each Planning Area that may be eligible for a national, state or local historic register (refer to pages 695-708 and Appendix J of the Draft PEIR). These discussions focus on the identified growth areas in the proposed General Plan.

While the City recognizes that additional work could be done on the Historic Resources Inventory, it is important to incorporate a mechanism for evaluating future projects whether or not they are on the City’s inventory. As noted in this comment, the General Plan update includes policies and actions that require evaluation of cultural and paleontological resources and mitigation and avoidance measures for future projects, including sites not currently listed on the City’s inventory. Through these measures, additional cultural resources may be identified and placed on the Historic Resources Inventory.

**COMMENT 7-B:** The Envision 2040 General Plan contains a number of policies to protect cultural and historic structures, districts and archeological areas. It also contains a number of policies that will require those protections as the proposed Urban Villages are created. To the extent possible, and absent specific proposed developments, the EIR has examined the impacts of those policies.

Thank you for the opportunity to comment on the Envision 2040 EIR.

**RESPONSE 7-B:** This comment does not raise any questions about the analysis or information in the PEIR. No other response is required.

**8. RESPONSES TO COMMENTS FROM CALIFORNIA CLEAN ENERGY COMMITTEE, DATED JULY 28, 2011.**

**COMMENT 8-A:** This letter will constitute comments by the California Clean Energy Committee on the Draft Program Environmental Impact Report for the Envision San Jose 2040 General Plan (EIR).

The California Clean Energy Committee is a California non-profit corporation headquartered in Davis which seeks to promote energy conservation, greenhouse gas reduction, and the development of clean-energy resources throughout California. It actively supports the application of the California Environmental Quality Act (CEQA) to energy conservation and related project impacts.

Over 90 individuals in the San José area have joined the Committee's campaign to request that that City incorporate robust energy conservation and environmental stewardship into the new general plan.

All notices regarding this project are requested to be sent to 3502 Tanager Avenue, Davis, California 95616-7531. Please feel free to contact the undersigned for additional information.

While we recognize and commend the City on its admirable leadership on environmental issues, a careful review of the proposed general plan shows that a focus on fiscal issues threatens to divert the City from its environmental goals. To accept such a perspective would be especially unfortunate in a programmatic EIR that resolves fundamental planning issues and then obscures them from public view for years.

The recurring theme of the environmental review is that to achieve fiscal sustainability, the City must adopt economic development policies that will transform it into a commuter hub. The plan seeks to have 1.3 jobs for every employed resident. Many more employees would have to commute into San José causing increased traffic congestion and a host of negative impacts.

**RESPONSE 8-A:** The PEIR evaluates the environmental effects of implementation of the proposed *Envision San José 2040 General Plan*. As noted on page 128 of the Draft PEIR, the PEIR is intended to inform the decision makers (the San José City Council) and the general public of the environmental impacts associated with adopting the *Envision San José 2040 General Plan*. It discloses that if the City achieves its objectives related to shifting the focus of the city's growth towards a regional employment center from the traditional low-intensity, sprawling land use pattern, vehicle travel could increase along with population and employment. As previously discussed in Response 4-B, the PEIR acknowledges that there is no analytic tool currently available that can calculate the integrated results of the combination of evolving infrastructure, new policies, and expanded transit. The San José City Council, as the decision-makers, will be responsible for taking action on the proposed General Plan update and may adopt the proposed project or an alternative plan with features that have been evaluated under CEQA.

To an extent the City is already a commuter hub in that residents commute from San José to other areas in the San Francisco Bay region. Various transit systems, including Caltrain, are embedded deeply in San José, linking more parts of the City and County than other suburban areas.

**COMMENT 8-B:** For decades planning that prioritizes municipal revenue generation has been widely criticized as the “fiscalization of land use.” The California Planning Roundtable has called it “irrational planning” and described it as a process where “local governments no longer seek balance in their land-use planning policies but rather seek to defeat their neighbors in a 'win/lose' game of fiscal land use planning.”

The City has sought to lessen the deleterious effects of this approach by applying a number of remedies developed by scientists and researchers over the past decade to wean our civilization from its suffocating dependence on petroleum. But the EIR shows that these remedies have not been enough to stem the tide of new pollutants streaming from the proposed plan.

The effect of the new plan is to exhaust these crucial conservation tools on a set of newly created transportation problems leaving the City’s efforts to implement its Green Vision crippled. Similarly, this plan defeats an array of statewide and regional policies that rely on these mitigation tools to roll back systemic dependence on petroleum-fueled transportation. (EIR at 19.)

**RESPONSE 8-B:** The fiscalization of land use is defined by the California Planning Round Table<sup>4</sup> to mean:

*a policy environment in which land-use decisions are made mostly or entirely based on fiscal considerations, rather than with an eye toward healthy and balanced communities.*

As described in the PEIR Summary, the proposed *Envision San José 2040 General Plan* provides a vision for future growth, development, and the provision of municipal services for San José. Part of that vision is to develop in a fiscally sustainable manner. Other aspects of the proposed *Envision San José 2040 General Plan* are to focus new housing growth within identified Growth Areas and preclude large scale residential development on sites outside of these Growth Areas, including areas outside the City’s Urban Growth Boundary. Planned Growth Areas have been selected to promote transit use and neighborhood walkability and align with overall General Plan goals, including implementation of the City’s Green Vision. As listed in Section 3.10 Utilities and Service Systems and Section 3.14 Population and Housing of the PEIR, implementation policies in the proposed General Plan call for annual and major General Plan Reviews every four years that would evaluate the status and implementation of Green Vision and greenhouse gas reduction goals. While fiscal sustainability is a key objective of the proposed General Plan, it also includes a range of goals and policies related to environmental sustainability, environmental resources, and quality of life (refer to Section 1.3 of the PEIR and Chapters 3 and 4 of the proposed General Plan).

The introduction to the “Summary of Alternatives” on page 19 of the PEIR provides an overview of several of the key objectives used to identify project alternatives in Section 8.0 Alternatives to the Proposed Project. Please refer to pages 861-863 of the PEIR for the discussion and list of 15 project objectives considered in the alternatives analysis.

**COMMENT 8-C:** Nor would this expenditure of critical conservation strategies generate the anticipated benefits. The infrastructure and ancillary services required to support an expected two

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<sup>4</sup> Source: California Planning Round Table. “Restoring the Balance: Managing Fiscal Issues and Land Use Planning Decisions in California”. Available at: <<http://cproundtable.org/cprwww/docs/fiscal.html>>.

million more miles of vehicle travel per day are certainly not without cost to the city, but these costs have been ignored in the analysis.

As is almost always the case with plans of this sort, the City has no source that would provide the necessary financing nor an available plan to deal with the increased traffic congestion that this plan would generate. (EIR at 283, 287, 291.) Beyond the lack of capital funding, the City is currently accumulating a road maintenance deficit at the rate of \$20 million dollars per year. And Caltrans is currently falling behind on maintenance at a rate \$4 billion per year statewide with no help in site. With increased vehicle efficiency standards, gas tax revenues per vehicle mile will become increasingly inadequate.

New traffic problems and fiscal problems are thus being layered onto the serious ones that already exist. The plan is, quite literally, creating new transportation problems at a faster rate than it can resolve them and exhausting a host of crucial mitigation strategies in the process. The City should consider what will be the full financial cost to support an additional two million miles of vehicle travel per day.

And the unexamined financial consequences do not stop with the City itself. According to the U.S. Department of Transportation, owning and operating a vehicle in 2009 cost the typical consumer \$0.57 per mile. Recent data shows San Jose to be number one in the nation for average monthly consumer expenditure on gasoline. What is the sense of expecting the public to engage in the wasteful burning of more gasoline only so the City can reap a small percentage as tax revenue? Does that represent sound public policy?

**RESPONSE 8-C:** These comments regarding the contents of the proposed General Plan and transportation related costs are noted. As they do not raise any questions regarding environmental issues or the adequacy of the PEIR, no other response is required.

**COMMENT 8-D:** For ABAG the answer has clearly been in the negative—

In the Bay Area, as in many metropolitan areas, cities with employment centers have historically planned for insufficient housing to match job growth. This lack of housing has escalated Bay Area housing costs. Unmet housing demand has also pushed housing production to the edges of our region and to outlying areas. San Joaquin, Stanislaus, and San Benito counties have produced much of the housing needed for Bay Area workers. People moving to these outlying areas has led to longer commutes on increasingly congested freeways, inefficient use of public transportation infrastructure and land. Negative impacts on health, equity, air quality, the environment and overall quality of life in the Bay Area also result.

(Housing Needs Plan 2007-2014 at 26.) The policies that the City proposes not only increase transportation costs, they also escalate housing prices.

The City should adhere to the goals in the San Jose's Green Vision, which states that within 15 years the city "must reduce reliance on single-occupant vehicles," "reduce per capita energy use by 50 percent," "divert 100 percent of the waste from our landfill," "adopt a General Plan with measurable standards for sustainable development," and "receive 100 percent of our electrical power from clean renewable sources."

It is submitted that local government agencies at the least should not create new transportation problems through their economic development strategies and that with the enviable economic

advantages already existing in San Jose, the City's EIR can and must explore alternative routes to its economic goals. For the reasons set forth below in more detail, the EIR should be revised and recirculated.

**RESPONSE 8-D:** The foregoing comments reflect opinions and recommendations regarding the project, the *Envision San José 2040 General Plan*. The transportation impacts of the proposed *Envision San José 2040 General Plan* are described in the PEIR and the comments do not raise any questions about the adequacy of the PEIR in terms of disclosure of environmental impacts. No other response is required.

**COMMENT 8-E:** 1. Energy Conservation

The energy threshold adopted in the EIR was not used in the evaluation of the impacts. The EIR should contain a quantitative baseline and a quantitative significance analysis for each energy impact supported by substantial evidence.

The City has concluded that its land use plan will increase per capita VMT. Consequently, per capita use of transportation fuels will increase as a result of the land use plan causing a significant impact on per capita energy consumption that should be analyzed and mitigated.

The EIR should evaluate the environmental impacts connected with the energy resources that will be relied on including the impacts connected with the transmission and delivery of energy. It should consider the environmental impacts of relying on volatile petroleum markets for transportation fuels. Particular attention should be given to the impacts of expanded reliance on coal fired power and fracked natural gas imported by PG&E. Eighteen percent of PG&E's power is produced by coal-fired plants.

The energy suppliers that the city currently uses, local and remote, should be identified along with their emissions profiles, fuel source, energy efficiencies, environmental record, transmission and distribution facilities, and function in the system, e.g., baseload, peaker, etc.

The EIR should quantify energy efficiencies by amount and type of fuel and by usage including transportation, sewage treatment, refuse disposal, water supply systems, and other major categories. Each sector should be evaluated both for potential energy recovery and energy efficiency opportunities.

Potential renewable energy supplies should be identified and evaluated including solar, small and large wind, ocean power, biomass, biogas, cogeneration, and small-scale hydro.

Since urban development has considerable potential to restrict the development of renewable energy resources, local resources should be mapped and the potential constraints on implementation of them identified.

Data regarding major natural gas users should be evaluated to identify cogeneration opportunities. The EIR should implement a boiler retrofit program to provide baseload cogeneration.

The mitigation potential of renewable resources should be quantified and included in the mitigation. Any conclusion that renewable resources will not be feasible should be supported by substantial evidence. Feasibility should be based upon a complete comparison of the life cycle costs of generation and efficiency technologies.

The EIR should evaluate the secondary impacts of permitting further investment into fossil-fuel dependent projects and outdated energy distribution technologies and infrastructure. Such projects impact the overall interoperability of generation, storage, and demand regulation technologies and impose high retrofitting costs on utilities, government agencies, consumers, businesses and landlords. Energy efficiency and clean energy generation can be installed at greatly reduced costs during project implementation.

The EIR should reflect a comprehensive analysis of energy efficiency opportunities addressing both efficacy and feasibility issues and addressing feasible implementation strategies. Particular attention should be given to mandating installation of proven and cost-effective solutions such as rooftop solar photovoltaic, ground source heat pumps, demand response, energy management systems, home energy monitors, microgrid technology, advanced solar thermal water heating, passive solar design, cogeneration, absorption chillers, and energy education. Performance standards should be identified and mitigation should be made enforceable.

The general plan should require quantitative energy analysis from project proponents and establish a net-zero threshold at this time for energy causing all projects with potentially significant energy impacts to scientifically evaluate, report on, and implement feasible energy efficiency measures, renewable generation, and storage.

**RESPONSE 8-E:** The threshold for energy impacts in Section 3.13.3 of the PEIR is would implementation of the proposed Envision San José 2040 General Plan “fail to include means for avoiding or reducing, wasteful and/or unnecessary consumption of energy”. Section 3.13.4 Energy Impacts, which follows, identifies policies and actions in the proposed General Plan and the City’s Green Vision that would encourage, facilitate, or require energy conservation, renewable energy use and the amount of energy used through water conservation, waste reduction, water recycling, infrastructure management, and other measures.

The foregoing comments include a range of requested analyses. The following response aims to clarify the level of specificity for program-level review under CEQA and the role of the Energy section in a Program EIR. Locations in the PEIR where specific information requested in these comments is provided are also listed below.

As discussed in the Preface on page 1 of the PEIR, under the CEQA Guidelines (Section 15146) the degree of specificity required in an EIR will correspond to the degree of specificity involved in the proposed activity. In this case, the proposed project is adoption of an update to a General Plan for a city that covers over 143 square miles with more than one million residents and employees. The specificity of analysis for a General Plan should focus on the secondary effects that can be expected to follow from the adoption or amendment (e.g., effects that will occur once allowed development occurs under a General Plan) but the EIR for a Plan need not be as detailed as an EIR on a specific construction project that might follow.

As noted on page 133 of the Draft PEIR, the existing conditions described throughout the PEIR are based on the best information available for conditions that existed in San José during the time period 2008-2009 as explained in each subsection (e.g. transportation, land use, energy).

Specific information requested by the letter writer on energy and presented in the PEIR is discussed below.

Energy use and supplies are addressed in Section 3.13 Energy of the Draft PEIR. As discussed on page 741 of the Draft PEIR, electricity is delivered to consumers in San José via an electrical grid of high voltage transmission lines. There is energy lost during long distance transmission. The Draft PEIR also discusses that electricity is generated from various sources and the electricity and natural gas supplier for San José is Pacific Gas and Electric. Electricity and natural gas consumption in San José in 2008 are listed in Table 3.13-1 and 3.13-2, respectively and the greenhouse gas (GHG) emissions profiles for these energy sources were used in estimating GHG emissions under existing and projected future conditions (see Section 3.15 Greenhouse Gas Emissions and Appendix K).

Regarding energy efficiency, City Council policies on purchasing equipment and City of San José participation in energy efficiency programs are discussed on page 746 of the PEIR. Energy efficiency through targeted retrofits includes measures such as boiler retrofits and a range of other measures. More information on the City's energy efficiency program can be found on the City's website (<http://energy.sanjoseca.gov/>).

Energy use in the built environment and proposed General Plan policies that reduce or avoid adverse energy impacts associated with the built environment are described in Section 3.13.4.1 of the PEIR. The proposed policies listed in the PEIR address a wide range of renewable energy supplies and call for encouraging use of on-site renewable energy, water conservation, waste diversion water recycling and solar electric improvements. There is no conclusion in the PEIR that renewable energy resources are infeasible for future development in San José.

Implementation strategies for energy efficiency and renewable energy opportunities noted in Section 3.1.3.4 of the PEIR include the City's energy efficiency program (Silicon Valley Energy Watch) referenced above, as well as policies for Energy Conservation and Renewable Energy Use, Green Building Policy Leadership, Water Conservation and Quality, Waste Reduction, Renewable Energy, Infrastructure Management, various transportation policies, and Sustainable Parks and Recreation Policies. An Action Item in the proposed General Plan (MS-2.8) calls for developing policies which promote energy reduction for energy-intensive industries and requires evaluation of operational energy efficiency as part of development review.

Secondary energy impacts of future development on the natural gas and electricity distribution systems is addressed at a program-level on pages 751 and 752. Installation of additional energy distribution facilities could be reduced to the extent future and existing development would be more energy efficient in the future.

Text has been added to Section 3.13.4.1 that identifies potential local renewable energy supplies (refer to Section 5 Revisions to the Text of the Draft PEIR). Given changing technologies, uncertainties regarding the location, type, and timing of future development between 2011 and 2035, and State of California requirements for the provision of renewable energy by Pacific Gas & Electric, which is outside the City's control, an estimate of renewable energy use by type of renewable energy source would be speculative and is not required under CEQA.

As noted on page 747 of the PEIR, the City of San José anticipates that Pacific Gas and Electric will continue to supply electricity and natural gas to the city throughout the life of the proposed General Plan. Distributed energy systems, included solar and fuel cells, would also supply energy at various locations throughout the city.

**COMMENT 8-F:** The EIR should call for a community choice aggregator (CCA) or a municipal utility district so that residents and commercial enterprises can decide whether to purchase electricity from fossil-fuel resources or to purchase energy from renewable energy providers. A CCA maximizes the local tool set for energy conservation and makes tax-exempt financing available for conservation goals. It provides regulatory authority to implement effective storage and to adopt feed-in tariffs.

The EIR should require the city to petition the CPUC to become the administrator of the public goods charge funds for energy efficiency to insure that those funds are used efficiently for local energy programs.

**RESPONSE 8-F:** The CCA is a system adopted into law in several states, including California, which allows cities and counties to aggregate the buying power of individual customers within a defined jurisdiction in order to secure alternative energy supply contracts. In other words, the City could develop an alternative energy project and provide energy to customers in San José as a CCA. Under a municipal utility district, energy supplies and distribution systems are managed and owned by a municipality (such as the City of San José). The public goods charge fund is a special fund, to promote energy efficiency, energy research, and alternative energy programs. Some of these funds are currently used for voluntary energy efficiency measures in San José under the *Silicon Valley Energy Watch* program administered cooperatively by the City’s Department of Environmental Services and Pacific Gas and Electric in partnership with Ecology Action.

The foregoing comments reflect the letter writer’s opinions and recommendations regarding mechanisms that could be used to implement the energy efficiency and renewable energy policies in the project, the *Envision San José 2040 General Plan*. These comments are acknowledged. The comments do not raise any questions about any environmental issues or the adequacy of the PEIR. No other response is required.

**COMMENT 8-G:** The EIR should quantify line-loss and ecosystem impacts that result from reliance on remote power generation and long-distance transmission systems and mitigate those impacts by implementing distributed generation.

**RESPONSE 8-G:** According to the U.S. Energy Information Administration data, national, annual electricity transmission and distribution losses average about 7% of the electricity that is transmitted in the United States.<sup>5</sup> In 2008 in California, it appears that losses were over 10 percent. The secondary impacts to ecosystems (e.g., habitats and natural communities) from existing and future long-distance transmission lines are acknowledged, though quantifying those impacts, given the extent of the energy transmission system serving northern and central California, is beyond the scope of this PEIR. As noted previously in

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<sup>5</sup> U.S. Energy Information Agency. “Frequently Asked Questions”. Available at: <<http://www.eia.gov/tools/faqs/faq.cfm?id=105&t=3>>. Accessed August 16, 2011.

Response 8-E, policies designed to increase on-site generation of energy are identified in Section 3.13.4.1 (pages 747-748) of the Draft PEIR.

**COMMENT 8-H:** The EIR should evaluate and mitigate peak energy demand through storage technologies, fuel cells, demand side management, solar power, and smart grid technology.

Provisions should be made for alternative energy infrastructure for freight and passenger modes including biodiesel, electric, biogas, CNG, and hydrogen systems as applicable including a network of fast-charging facilities for electric vehicles. The EIR should evaluate the facilities and capacity for recharging of electric vehicles. Regulations should require that homes be EV-ready and that apartments provide for electric vehicle charging.

The EIR should quantify the potential energy savings from efficient transportation modes such as rail, transit, street cars, electric vehicles, bicycles, car-pooling, neighborhood electric vehicles (NEVs), etc. Congestion charges and privatization of public parking structures should be adopted as mitigation for energy impacts.

The EIR should quantify and evaluate the potential for using waste methane from the city's wastewater treatment systems and the solid waste stream. The EIR should evaluate potential energy savings the city could achieve through ordinances that prohibit wasteful and inefficient packaging. Energy conservation gains through recycling efforts should be evaluated quantitatively and feasible benchmarks established in order to insure that the environmental and economic benefits of energy conservation are achieved.

The EIR should evaluate the potential for retrofitting renewable energy resources and energy efficiency to existing residential, industrial, and commercial properties. The EIR should consider streamlining permitting and zoning regulations for energy efficiency measures and distributed generation. Feasibility should be determined in light of lifetime energy costs, the available incentives, and financing programs. ([www.dsireusa.org](http://www.dsireusa.org).)

The goals and objectives of the city's Strategic Energy Plan should be incorporated as energy efficiency or, in the event that components of the Strategic Energy Plan are not deemed feasible, it should be adopted insofar as possible the reasons and support for not implementing them further provided. The EIR should provide milestones and reporting for the implementation.

**RESPONSE 8-H:** The comments above include a range of requested analyses and evaluations. As discussed in Response 8-E, the level of specificity in a Program EIR is not as detailed as an EIR on a specific construction project that might follow.

A number of the energy efficiency and energy systems mentioned in this comment are addressed in the PEIR and the proposed policies in the *Envision San José 2040 General Plan*. The letter writer is not specific as to specific sections or analyses of the PEIR that they consider deficient. Locations in the PEIR where specific information requested in these comments is provided are listed below, although this is not an exhaustive description.

As outlined in Section 3.13.4 of the PEIR, the proposed *Envision San José 2040 General Plan* includes a range of policies that require future development be consistent with Green Building energy efficiency measures and that encourage the use of distributed and renewable energy (Policy MS-2.2). Distributed energy would tend to reduce peak demand on the energy grid. Energy use associated with different transportation modes is evaluated in

Section 3.13.4.2 of the PEIR and estimated energy savings from implementation of proposed VMT reduction measures are summarized in Table 3.13-3. Policies regarding facilitating charging of electric vehicles, including Policy TR-1.16, are identified in Section 3.4 Air Quality, in Table 3.4-9 Transportation Control Measures and Relevant Proposed General Plan Policies.

The City of San José Strategic Energy Plan, adopted in June 2010, is based upon the City’s Green Vision and includes action items whose status is reported to the City Council on a quarterly basis. Information gathered by the City on energy use and the implementation of renewal energy sources in the City also will be reported as a part of the annual General Plan Review, as called for in General Plan Policy IP-3.8 and compared to the specific goals for environmental sustainability in this policy (refer to page 665 of the Draft PEIR).

**COMMENT 8- J:** 1. Transportation

The EIR reports that the city is now served by a wide range of public transit options (EIR at 218) and that 50% of the population lives within convenient walking distance of transit (EIR at 216). Yet transit use is strikingly low. Only 4% of commuters in San Jose use transit according to the EIR. The percentage of drive-alone trips in San Jose has increased since 2000 (EIR at 197). GHG emissions from transportation considerably exceed the Bay Area average. (EIR at 782.) Despite being the third largest city in California, transit usage is 20% lower than the statewide average. (EIR at 197.)

The City now proposes to layer on a plan that would increase automobile commuting. (EIR at 269.) It attempts to downplay the impacts citing "mixed and intensified" land uses along transit corridors. Yet this solution admittedly has not worked in the past in San Jose. The proposed mitigation is to a large degree a continuation of past measures which have been notably unsuccessful. The EIR should identify the causes of the poor record of transit in San Jose and demonstrate that the causes have been addressed so that different results can be expected under the proposed plan.

**RESPONSE 8-J:** The conclusion this comment draws, that the same approach “admittedly has not worked in the past in San José” is unsubstantiated. The *Envision San José 2040* proposes a new higher level of intensity for new development, including the provision of high density residential, a much broader range of land uses, and jobs, along almost every major street that does now or is planned for transit service. The new plan also proposes a substantial commitment to adding jobs. It is not accurate to say this is an approach that has not worked in the past when the only place this type and intensity of development exists in San José is the highly successful Santana Row. (A mixed use pattern is developing in Japantown but is still largely incomplete.)

The proposal to place mixed use development in the growth areas shown in Figure 2.2-1 is unprecedented. The expansion of transit, the bicycle network, and trail system, including a new form of rapid transit (BRT) is likewise a change for San José and Santa Clara County. Another significant change is the reallocation of resources represented by some of the changes in the roadway network (Tables 3.2-7-10).

It is only necessary to compare Figure 3.1-2 and Figures 3.1-3 to 5 with Figures 2.2-19 to 33 to identify the scope and scale of the differences that are proposed. Instead of a widespread community of lower density housing widely separated from jobs and services, the City will

become an interconnected community with a wide range of services and activities threaded throughout the City.

This comment picks out only numbers for existing conditions from the Draft PEIR. In addition to increased VMT, the model (despite its admitted limitations) also predicts increased participation in modes other than drive alone (Table 3.2.14). Additionally, adoption of very aggressive commute mode split targets (PolicyTR-1.3) combined with General Plan policies for regular updates and monitoring progress, plus much more rigorous Tier II actions (pages 265 and 274), create a credible, iterative, (and very different) program for achieving the targets set out in PolicyTR-1.3. The policies identified in Section 3.2 of the Draft PEIR as essential elements in the proposed project are specifically intended to reduce impacts and are themselves all either new or substantially rewritten.

San José, in the past, relied most heavily on a Traffic Level of Service Policy for mitigation in that it committed to reduce or avoid congestion by expanding the City's streets and/or widening intersections in order to facilitate automobile traffic movements. The *Envision San José 2040 General Plan* does not propose to continue widening the City's streets indefinitely. Instead, it proposes to provide new and more varied choices to its residents and businesses about where they work, where they live, and especially *what mode they use to travel*. To say, therefore, that the *Envision San José 2040 General Plan* is an approach that has not worked in the past is therefore an editorial comment that is not reflective of the PEIR.

**COMMENT 8-K:** The proposed plan would increase per capita VMT by 10% raising it from 14.62 VMT per service population to 16.08. (EIR at 752.) The EIR concludes this is a substantial impact, yet no mitigation is discussed or proposed beyond that incorporated into the plan. (EIR at 269.) Because the policies and goals proposed in the plan are unenforceable, unfunded, and vague, they cannot be trusted to mitigate impacts. The impacts could be considerably worse. The mitigation should be designed in a way that the public is assured that it is effective and enforceable. The EIR should develop measures to reduce VMT as provided in the City's Green Vision. (EIR at 376.) The plan should discuss the impacts and mitigation that will occur if federal transit funding is further reduced as is now being proposed or if local funding for transit is not sufficient. The plan mitigation is dependent on transit funding which is quite uncertain.

**RESPONSE 8-K:** This comment jumps without explanation from Section 3.2 Transportation to Section 3.13 Energy, refers back 400 pages to another section to show that no mitigation is discussed, and disregards the explanation of avoidance measures that are incorporated into the General Plan to reduce energy impacts associated with transportation, which begins on page 753.

Although it refers to page 269, the comment does not acknowledge the explanation on page 269 that the significant impact is identified, in part, because "There is... no way to accurately quantify the benefits that can be achieved from those policies and actions using existing analytic tools." It also disregards the following explanation found on the previous page:

While the traffic analysis prepared for this PEIR makes use of the best available traffic modeling techniques available, it should be recognized that the traffic model results do not necessarily describe the most likely outcome of future implementation of the proposed project, but rather describe a worst case outcome for CEQA purposes. The traffic model results do not account for many observed demographic, cultural, economic or urban design factors, all of which have been documented to influence the commute

mode choices made by individuals living within an urbanized area. They also do not reflect some of the policies included within the proposed project which could help to reduce VMT but are not part of a typical, conservative approach to CEQA analysis.

The comment that the EIR should develop measures to reduce VMT as provided in the City's Green Vision as discussed on page 376 is unclear and appears to have been based on a disregard of the text that is on page 376. Page 376 includes a detailed discussion of the multi-pronged strategy to reduce VMT that is laid out in the GP policies found on pages 377 to 386 of the Draft PEIR, including quantified goals and strategies. It is acknowledged that the last tier, in particular, will require cooperation by regional agencies since the City believes that the ultimate programmatic goals set by state legislation cannot be achieved by individual cities alone. The EIR also points out that the 35 percent reduction in VMT could be achieved by the new infill development, but reduction in VMT associated with the extensive and well established single-family neighborhoods not served by transit cannot be accomplished by just the General Plan policies.

The comment that the EIR must discuss how the transit will be funded if federal funding disappears and local funding is not enough, is incorrect. There is no requirement in CEQA that an EIR must create a hypothetical future condition in order to disqualify proposed mitigation or avoidance measures. The EIR is required to base its analysis on conditions that existed at the time the Notice of Preparation was circulated or when the analysis began. It should, nevertheless, also be noted in this context that Santa Clara County has a well established history of passing local funding programs for transportation initiatives when state and federal monies are not available.

**COMMENT 8-L:** The EIR states that that the ratio of jobs located near transit will decline due to plans for growth in areas where transit has not been proposed. This fails to mitigate adverse impacts to transit and to VMT.

The EIR finds no impact to mode share apparently because of hoped for increases in transit ridership. (EIR at 269.) The analysis asserts that expanded BART service will result in 198,000 boardings by the San Jose service population. Transit should be planned to all areas where there are plans for new growth and the EIR should specify that project-level review of mode share impact will be required. Or density should be moved closer to light rail adjusting for potential impacts related to density. (EIR at 375.)

**RESPONSE 8-L:** This comment disregards the analysis in this section and disregards the policies which will reduce the impact over time. Section 3.2.4.2 Mode Share Impact, starting on page 260, discusses the development of employment uses at sites which have no existing transit access. Just because there is no transit at these locations now does not mean there never will be (as discussed on page 269) and it is likely that once a substantial number of jobs are created at any of the locations, a system of shuttles will be created to bridge the gap to transit until a transit system is expanded.

The comment that “transit should be planned to all areas” is not a meaningful remark when directed toward a city's general plan in a region where transit is not a city function. The policies that relate to this activity include TR-1.4, TR-1.8, TR-1.9, TR-3.2, TR-3.3, TR-3.9, and related policies and actions on pages 271-274. The City therefore proposes to do the type of planning that would ensure development is transit accessible and to require that new

development fund the necessary improvements. The expansion of the transit system itself is not within the City’s authority.

**COMMENT 8-M:** The explanation of transit impacts contains an apparently mistaken references to Table 3.2-12 and to “policies, plans and laws described below.” (EIR at 275.) Those materials appear to be inapplicable to the mode-share impact analysis. Also, the Emergency Evacuation Plan is not located at the referenced web address. (EIR at 237.)

**RESPONSE 8-M:** The reference to the table should be Table 3.2-14, which is on page 270. The reference to policies, plans and laws should be as “listed above”. The corrections are included in Section 5 Proposed Revisions to the Draft PEIR of this First Amendment to the PEIR. The web address for the emergency plan (please note that the S must be capitalized) is also provided in Section 5 and is:  
<http://www.sanjoseca.gov/emergencyServices/pdf/BASIC%20PLAN.pdf>

**COMMENT 8-N:** The EIR indicates that project-level transportation analysis on local projects now relies on a traditional level of service analysis. (EIR at 209.) The EIR should be amended to make clear that VMT and mode share analyses are required for all modes.

**RESPONSE 8-N:** The comment refers to a part of the Existing Setting and the section also says that the City does not use LOS for long term projections, including General Plan analysis. Under existing conditions, VMT and mode share analysis are *not* required for all modes, so the statement would not be accurate.

**COMMENT 8-O:** The mode share analysis should include potential impacts on neighborhood electric vehicles, bicycles, and pedestrians. (EIR at 209, 223-228, 238, 269-275.) Mode splits and travel times should be established to ensure times are minimized and that the walking or biking experience is comfortable. The EIR should evaluate bicycle level of service (LOS) on all road segments. Safe routes to school should be planned for each school. Impacts to cycling include factors such as vehicle parking, curb lane width, traffic volume, signalization, presence of a bike lane, design of the street network, large truck volume, vehicle turning, barrier effect, traffic calming, bike parking, and vehicle speeds. Desired speeds for each mode should be considered in the evaluation.

**RESPONSE 8-O:** This comment confuses existing conditions (pages 209 and 223-228) which do not address any impacts of the project, and the impact section which follows.

The detailed specifics of such analyses for either existing conditions or project conditions would be far in excess of what could be provided for a General Plan level analysis, and is well beyond what is necessary for a Program EIR. These types of analysis (street-by-street evaluations of impacts to electric vehicles, bicycles, pedestrians) would be inappropriate and not meaningful for the same reasons the City does not use level of service for intersections as an analytic tool for General Plan level impacts. Forecasting the movements of individual cars, pedestrians, and bicyclists 24 years into the future is too speculative and not a meaningful exercise. The City also does not have an adopted policy or methodology for evaluating impacts to electric vehicles, bicycles or pedestrians, beyond the policies in the General Plan, which identify qualitative standards for evaluating the adequacy of the multi-modal transportation system (see pages 272 -273).

**COMMENT 8-P:** The plan will have considerable impact on CalTrans facilities, County expressways, and roadways in adjacent cities. (EIR at 287-291.) It should mitigate these impacts by including a program that requires developers to contribute to a regional transportation impact fee used for transportation projects or to projects in adjacent cities for affected routes or that the City develop an appropriate transit-subsidy program funded by new projects.

**RESPONSE 8-P:** This proposal is one that has been made in the past and was pursued for a while by the Congestion Management Agency (CMA). It is not something the City of San José can implement, since the City has no authority to plan for or implement improvements to regional transportation facilities. It is not considered mitigation under CEQA to just collect money. There must be an adopted and credible program in place to implement the mitigation in a timely fashion. There is, at this time, no such program in existence.

Additionally, it would be contrary to many of the City's and CMA policies to continue to expand regional roadways indefinitely. Many of the proposed policies (such as Policies TR-1.8 and TR-1.9) commit the City to working with regional agencies to develop and fund projects that will encourage travel by bicycling, walking and transit.

**COMMENT 8-Q:** The transportation analysis has not taken into account all of the existing rail assets in the city and their current status or considered the impact of the project on the abandonment of rail facilities. The multimodal analysis should consider the impacts of the general plan on the preservation and revitalization of all rail corridors, whether in use or abandoned. (EIR at 217, 220-222.)

The EIR should consider opportunities for mitigation and multimodal impacts in connection with the San Francisco Bay Area Regional Rail Plan.

**RESPONSE 8-Q:** Since there is no established threshold or mechanism for evaluating such an impact and no known reason why the analysis should be done (*i.e.*, it cannot be determined from this comment what environmental impact the letter writer thinks might occur), no reason can be identified for trying to create a method for doing such an analysis, nor for assuming that the City had a responsibility for preserving and/or revitalizing rail corridors. It should be kept in mind that CEQA does not require an Environmental Impact Report to include an analysis of economic impacts.

**COMMENT 8-R:** The transportation impacts should be mitigated through subsidies for sustainable modes, congestion pricing, performance price curb parking, parking and road rebates in the form of cash or coupons for commuters and shoppers who use transit, road pricing, adopting traffic analysis guidelines for multi-mode impacts and VMT impacts and internal/local capture, providing credit for demonstrated internal or local trip capture, and privatizing public parking structures or otherwise increasing parking fees toward market rates. The alternatives analysis and the fiscal discussion should consider increased revenues from all aspects the transportation system including the investment of parking revenues in urban redevelopment on the Old Pasadena model.

Automobile transportation is heavily subsidized. Studies have concluded that the subsidy per car per year is between \$2,185 to \$4,220. Put differently, there is a government payment ranging from \$5.21 and \$10.07 per gallon of gasoline used to encourage people to drive. The subsidy has a significant impact on transportation choices. The proposed general plan would expand roadway capacity relying on this financing model, rather than a pay-your-own-way model for motor vehicles. Consequently,

the plan encourages increased VMT and drive-alone share. The EIR should recognize that the motor vehicle facilities that it proposes are subsidized facilities, not pay-your-own-way facilities, and it should evaluate the extent to which subsidies contribute to greater use of the system and the environmental impacts.

**RESPONSE 8-R:** The recommendation that traffic analysis guidelines for multi-mode impacts and VMT impacts be adopted is consistent with Policy TR-1.2 which reads:

Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

This is also consistent with adopted Council Policy 5-3 for implementing the City’s Level of Service Policy.

The various funding mechanisms suggested in this comment reflect the letter writer’s opinion and do not appear to have any direct bearing on the proposed project’s environmental impact. It is not clear what all of the terms mean, but road pricing and congestion pricing are not within the control of local government and the use of parking fees is a very complex issue that cannot be avoided or simplified by stating that they should be used for “redevelopment”. There is no valid reason for a CEQA document such as this EIR to “recognize that the motor vehicle facilities” (which is assumed to mean roads) “are subsidized facilities”. There is no recognized methodology for evaluating the extent to which subsidies “contribute to greater use of the system and the environmental impacts”. The letter writer’s opinions about the various funding schemes are acknowledged and as part of this letter, will be included in the Final PEIR which will be considered by the City Council prior to acting on the project.

**COMMENT 8-S:** VMT growth is considered on a per capita basis apparently to factor out natural population growth as a cause of increased vehicle travel that is not attributable to a plan or project. (EIR at 257-269.) This is a flawed approach for several reasons. First, it is apparent that a similar approach is not used in air quality analysis.

**RESPONSE 8-S:** This comment is incorrect on both points. The reason VMT is considered relative to service population is explained on page 208. Briefly, the use of VMT per service population (which includes both residents and workers) allows for consideration of the two primary sources of travel within a community – the number of people who live there, and the number of people who work there. The second point, that it was not used in the air quality analysis, is also incorrect. As stated on page 208, the methodology used was developed by the Bay Area Air Quality Management District (BAAQMD) and the use of the methodology for the air quality analysis is discussed starting with the explanation of the thresholds of significance on page 372 of the Draft PEIR.

**COMMENT 8-T:** Second, it fails to recognize that as population grows, people will adopt modes that are made available to them. Providing increased roadway capacity to new drivers and new residents, as opposed to sustainable modes, causes a growing population to use motor vehicles more. Per capita VMT analysis ignores the significant impact of providing more road capacity to a growing population.

**RESPONSE 8-T:** This comment fails to recognize that the *Envision San José 2040 General Plan* does not propose to provide more road capacity in the future. Tables 3.2-7, 3.2-8, and 3.2-9 on pages 241-244 list all of the reductions in roadway travel lanes relative to

both the existing General Plan and existing conditions. The use of VMT per service population has nothing to do with roadway capacity.

**COMMENT 8-U:** Third, where a plan seeks to stimulate growth, as is the case with the City's general plan proposal, growth is not entirely the result of natural trends. In part, growth is a purposeful consequence of the plan. Treating the growth in VMT solely on a per capita basis overlooks the fact that the plan is in fact causing more people to move to the area and to drive in the area. The EIR should either modify its per capita analysis to recognize these factors or use gross VMT in the analysis.

**RESPONSE 8-U:** This comment, like the previous two, seems to be based on the letter writer's belief that evaluating impacts from VMT per service population is an attempt to hide or misrepresent the impact. As explained on page 208, the reporting mechanism was developed by BAAQMD for use by all jurisdictions in evaluating greenhouse gas impacts.

These comments also disregard the fact that there were multiple thresholds of significance used in this PEIR for identifying transportation impacts, as listed on page 238, and they also appear to disregard the explanation of VMT impacts in Section 3.2.4.1 starting on page 260.

**COMMENT 8-V:** The ultimate conclusion of the EIR, that in order to have a fiscally-sound city, vehicle miles travelled (VMT) per capita must increase, is not supported nor are any alternative means explored for improving the City's fiscal prospects. The EIR should consider the amount of public money that will be spent on expanding roadway capacity and the amount of money that will be spent by commuters who use that system. It should then consider whether that amount could be used in a more environmentally-responsible way to attract business development through economic stimulus programs or business recruitment efforts or parking district programs.

**RESPONSE 8-V:** It cannot be determined upon what information the letter writer based this comment since there is no "ultimate conclusion" identified in the Draft PEIR. Additionally, it is not the role of an EIR to speculate about alternative means of improving a city's fiscal prospects. The Draft PEIR does evaluate six alternatives to the proposed project, as required by CEQA, to reduce some identified environmental impacts.

As stated in Response 8-T above, the proposed General Plan Update is proposing to reduce roadway capacity in more locations than it is proposing to increase roadway capacity, compared to both the existing General Plan and the existing conditions. It would also be inappropriate for an EIR try to find ways for a city to use private or public moneys to attract business development.

**COMMENT 8-W:** The EIR concedes that the VMT increase is the primary cause of the adverse environmental impacts of the plan. (EIR at 19.) This represents a policy that is at odds with both the city's historic commitment to environmental stewardship and with both state and regional policies which call for the reduction of VMT. Other cities, such as Portland, Oregon, have be able to sustain a robust economy while reducing per capita VMT.

**RESPONSE 8-W:** The reference to page 19 of the Draft PEIR is apparently to the following statement in the Summary of Alternatives:

Much of the impacts discussion in this PEIR revolves around the direct or indirect effects of automobile travel, characterized as Vehicle Miles Traveled (VMT), which contribute

to or cause almost all of the significant unavoidable impacts, including air quality, transportation, roadway noise, nitrogen deposition on sensitive serpentine habitats, and greenhouse gas impacts.

It is not clear what “policy” this comment infers that the statement above is referring to. The analysis in the PEIR includes various policies for reducing the VMT impact, and nowhere is there a statement or conclusion in the Draft PEIR that the VMT impact is a policy itself, or a desirable outcome. The letter writer is specifically referred to Tier I Reduction of Vehicle Miles Traveled Policies and Actions (page 264) and Tier II Vehicle Miles Traveled Reduction Actions (page 265) which represent the City of San José’s intent to, like Portland, sustain a robust economy while reducing per capita VMT.

**COMMENT 8-X:** 3. Jobs-Housing Balance

The City proposes to adopt a plan that would exacerbate the jobs-housing imbalance. (EIR at 776.) The EIR states that it is “very apparent” that plans such as this one “significantly contribute to several of the primary impacts of concern in the region.” (EIR at 761.) It projects that approximately 109,000 housing units would be required elsewhere in the region for individuals employed in the city. (EIR at 773.)

The housing element should make adequate provision for housing over the lifetime of the plan. The EIR does not justify the assumption that housing growth will occur as projected for Horizon 1. Housing prices in the city would be out-of-reach for most families.

**RESPONSE 8-X:** These comments include the letter writer’s opinions and recommendations regarding the project, the *Envision San José 2040 General Plan*. The comments do not raise any questions about the environmental analysis or the adequacy of the PEIR. No other response is required.

**COMMENT 8-Y:** The plan to increase the number jobs to employed-resident ratio (J/ER) to 1.3 conflicts with SB 375 which requires that housing units be allocated consistently with the jobs-housing balance in the regional transportation plan. Housing can no longer be transferred out of the region. Areas sufficient to house all employed residents should be identified.

The EIR should evaluate the general plan for consistency with the Plan Bay Area Initial Vision Scenario released in March, 2011, and with the Blueprint process. ABAG and MTC sustainability planning has relied on employment distribution in the Bay Area remaining comparable to previous forecasts and has projected 250,420 new jobs and 130, 498 new households by 2035 for San Jose. (Initial Vision at 34, 38.) Envision San Jose 2040 would double the number of new jobs to 470,000 and reduce new dwellings to 120,000. (EIR at 772.) And the Initial Vision is still considerably short of meeting the regional 15% reduction goal for CO<sub>2</sub> from cars and light trucks as well as other regional goals. (Initial Vision at 41.)

The EIR should also consider the secondary impacts from a general plan that is inconsistent with the sustainable communities strategy. Given that federal law requires that the regional transportation plan be internally consistent, transportation investment must align with and support the land use pattern in the sustainable communities plan and would not allow funding for transportation systems serving San Jose.

CARB has adopted 7% reduction by 2020 and a 15% reduction by 2035 in per capita GHG emissions from passenger vehicles for the Bay Area to be achieved through VMT reductions implemented in the local land use and transportation planning processes. (EIR at 233, 785.) Since the San Jose plan calls for a 10% increase in VMT, it renders compliance with SB 375 impossible. (EIR at 807.)

SB 375 requires each region to set targets for housing growth over a 25 year period that accommodate population growth by income level. Clearly the plan does not achieve those objectives and thus it precludes the region from attaining that objective.

Similarly, the plan puts the city on a trajectory that makes it impossible for the city to comply with Executive Order S-3-05, which requires that GHG emissions be reduced to 80 percent below 1990 levels by 2050.

**RESPONSE 8-Y:** As noted in Section 3.2.1.9 (Transportation, Regulatory Framework) and Section 3.15.2.3 (Greenhouse Gas Emissions, Regulatory Framework), under SB 375 the Metropolitan Transportation Commission in partnership with the Association of Bay Area Governments, is required to create sustainable community strategies to meet target emission reductions as part of the Regional Transportation Plan for the Bay Area. This process is ongoing and a sustainable communities strategy (SCS) has not yet been adopted. The regional planning process that includes the regional planning requirements called for under SB 375 is now known as *Plan Bay Area* (refer to Section 5 Revisions to the Text of the Draft PEIR for updated discussions of the SB 375 planning process).

As described on page 233 of the Draft PEIR, if the SCS does not meet the regional target, an Alternative Planning Strategy must be produced. The planning process for the Bay Area is anticipated to be complete in 2013.

The City of San José is working with the agencies responsible for implementation of SB 375 requirements and will provide updated population and housing assumptions once an updated General Plan is adopted.

As noted in this comment, SB 375 targets to be included in the plan for the Bay Area include a 7% reduction in GHG emissions from cars by 2020 and a 15% reduction by 2035. *Plan Bay Area* notes that the population of the Bay Area is projected to grow to about 9 million people by 2040 and that to accommodate this growth while creating vibrant, sustainable communities will require shared vision, planning and cooperation.<sup>6</sup> Relative to a base year of 2005, the targets represent a 10 percent per-capita reduction by 2020 and a 15 percent per-capita reduction by 2035. At this time, there are no targets or criteria that specify jobs to employed resident ratios for individual cities.

**COMMENT 8-Z:** 4. Agricultural Impacts

The EIR should mitigate to the extent possible the significant impacts to agriculture. (EIR at 179, 845.) Farmland mitigation should require implementation of conservation easements at a 2:1 ratio. Conservation easements should be required on land of equivalent farming value that is under threat of conversion. The easements should be pre-approved and held by an organization with an

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<sup>6</sup> Plan Bay Area. *Plan Bay Area: Building on a Legacy of Leadership*. March 2011 “. Available at: <[http://www.onebayarea.org/pdf/Plan\\_Bay\\_Area\\_Report.pdf](http://www.onebayarea.org/pdf/Plan_Bay_Area_Report.pdf)>

established record of responsible agricultural land stewardship or a new organization should be established specifically for that purpose in Santa Clara County. The farmland mitigation should provide a long-term endowment for stewardship and enforcement sufficient to assure monitoring and management of the easements in perpetuity. In the event of termination of the organization, conservation easements should revert a similar organization. The easements should promote large contiguous blocks of land that provide farmland value, habitat value, and serve to define urban form.

**RESPONSE 8-Z:** The EIR is an informational document and the San José City Council, as decision makers, will make the final determination on measures to include in the proposed project. The PEIR does identify (in Section 3.1.4.1) conservation easements on existing farmland as an offset that could be required of development that eliminates agriculture on prime farmland. The discussion also acknowledges that conservation easements on other agricultural land does not mitigate the loss of the farmland, since it does not reduce or avoid the loss, nor does it replace the farmland – it solely protects some other farmland somewhere else from being lost.

The foregoing comments reflect the letter writer’s opinions and recommendations regarding the project, the *Envision San José 2040 General Plan*. The comments do not raise any questions about any environmental issues or the adequacy of the PEIR. No other response is required.

**COMMENT 8-AA:** 5. Greenhouse Gas Emissions

The EIR should contain a thorough discussion of the impacts of climate change including matters such as health impacts, desertification, sea level rise, ocean acidification, species loss, heat related illness, tipping points, water supply impacts, air quality impacts, agriculture and food supply impacts, severe weather and flooding, droughts, forest impacts, etc. The EIR should provide a complete discussion of the time constraints involved with the issue, the current path of emissions growth, and the related consequences.

CO<sub>2</sub> emissions taken in isolation have few if any direct impacts because CO<sub>2</sub> is not a toxic gas. GHG emissions are a proxy for a wide range of secondary impacts which must be discussed to make the GHG data meaningful to the public and decision makers. It should discuss the projected impacts at current levels, at 450 ppm, at 550 ppm, and higher. It should discuss when these levels are projected to occur and why. The EIR should discuss the widely-documented secondary impacts of increasing GHG concentrations. (EIR at 778.)

**RESPONSE 8-AA:** As noted in Section 3.15.1, the secondary impacts of climate change are addressed throughout the PEIR. Health effects associated with temperature rise and impacts on air pollutant concentrations are discussed in Section 3.4 Air Quality. Projected sea level rise and flooding impacts are addressed in Section 3.7 Hydrology and Water Quality and impacts on species are addressed in Section 3.5 Biological Resources. Impacts on water supply are discussed in Section 3.10 Utilities and Services.

**COMMENT 8-BB:** AB 32 does not constitute a plan or program or regulation containing specific requirements that would avoid the cumulative GHG problem. Nor will AB 32 will reduce cumulative climate change impacts to a level that is not considerable. AB 32 relies on a business-as-usual baseline, rather than existing conditions. (EIR at 795.) AB 32 does not provide a threshold for local GHG emissions.

A cumulative impact analysis should be done based upon current conditions.

The mitigation proposed in the EIR should not be accepted as being sufficiently supported, measurable or enforceable. General plan goals do not constitute mitigation because they are not verifiable, effective, enforceable, or proportionate to the impact.

**RESPONSE 8-BB:** The letter writer’s comments regarding AB 32 are noted.

Although discussed in both a separate section (Section 3.15 Greenhouse Gas Emissions) and in the Cumulative Impacts section of the PEIR, the impact of greenhouse gas emissions is a cumulative impact. As discussed on page 795 of the Draft PEIR, the evaluation of future greenhouse gas emissions attributable to existing and future sources within San José are compared to desired future levels of emissions and this is a departure from the traditional impacts analysis under CEQA. The normal approach is to establish an existing environmental baseline condition and identify the incremental change. Greenhouse gas emissions impact analysis is an atypical circumstance under CEQA in that concentrations of GHG must improve compared to baseline conditions. As discussed below, in this case the baseline condition is on a statewide basis.

Under the Plan-level greenhouse gas emission per service population methodology adopted by BAAQMD for assessing a comprehensive general Plan’s contribution to future GHG emissions, the primary focus is the comparison of the City’s future greenhouse gas emissions to future statewide ‘carbon-efficient’ targets. Although the 2008 baseline emissions are identified in the Draft PEIR, the significance of the General Plan’s forecast greenhouse gas emissions (e.g., whether they are cumulatively considerable or not) depends on the comparison of future conditions (2020 and 2035) and whether they would 1) exceed the AB 32 emissions goal for 2020; or 2) be on a trajectory to meet Executive Order S-3-05 emission levels for 2035. As disclosed in the Draft PEIR, implementation of the General Plan is projected to result in less than significant greenhouse gas emission impacts in 2020 and a significant greenhouse gas emission impact in 2035.

The proposed Greenhouse Gas Reduction Strategy, included in the proposed General Plan, includes policies and programs whose implementation would be monitored on an annual basis and as part of a major General Plan review every four years. As described on pages 803-807 of the Draft PEIR, it is anticipated that measures to further reduce greenhouse gas emissions on a per capita and per Service Population basis will be refined and improved in a phased approach, although achieving the substantial emissions reductions needed beyond 2020 to meet 2035 targets is uncertain at this time and the impact for the 2035 timeframe was conservatively determined to be cumulatively considerable.

**COMMENT 8-CC:** Throughout this comment letter a number of mitigation measures have been identified that should be adopted to fully off-set GHG impacts. Additional potential measures include carbon credits, forest conservation projects, increased funding for transit service, increased funding for biking and pedestrian infrastructure, subsidies for sustainable energy projects, increased development of on-site energy and storage resources, employee transit incentives, public education programs, a transit network serving all new development, car-sharing programs, SOV reduction programs, support and infrastructure for electric vehicles, on-line ride matching, etc.

It should be made clear that individual projects consistent with the general plan must evaluate and mitigate GHG emissions at the project level.

**RESPONSE 8-CC:** As discussed in Section 3.15, the proposed General Plan includes a Greenhouse Gas Reduction Strategy that will be applied to future development in the City of San José. The Strategy also includes voluntary measures and City programs to increase energy efficiency and water conservation in the existing built environment, such as the Silicon Valley Energy Watch Program.

As noted in Section 3.15 (page 800) of the Draft PEIR, the City’s Greenhouse Gas Reduction Strategy is embedded in its policies and programs that are designed to help the City sustain its natural resources, grow efficiently, and meet state legal requirements for greenhouse gas (GHG) emissions reduction. Multiple policies and actions in the proposed General Plan have greenhouse gas implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The proposed General Plan also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in greenhouse gas emissions and implementation policies. Some of the potential measures included in this comment are included in proposed policies or existing programs (i.e., TDM measure policies) or could be considered in the future as needed to meet the greenhouse gas reduction targets included in the City’s Strategy.

As noted above, future individual projects will be evaluated for consistency with greenhouse gas reduction measures included in the General Plan, including, but not limited to the City’s Green Building Policies and water conservation ordinance, as a part of environmental and development review.

**COMMENT 8-DD:** The comparison to California GHG goals shows that rather than starting to reduce per capita GHG emissions, the proposed general plan will continue to increase GHG emissions. The plan puts the city on a course to be emitting more than twice the amount allowed under the state targets. (EIR at 802.) Increasing emissions is clearly inconsistent with the City’s Green Vision. The baseline period data was not provided in the EIR and does not appear in the chart. The upper line represents projections for San Jose, and the lower line represents the California targets.

**GRAPH**

As the following table shows, based on data in the EIR, the projected GHG emissions in 2035 could be reduced if the City would simply eliminate some of the proposed changes its general plan.

**TABLE**

(EIR App. K-1 at 1.) The plans and policies in the old general plan provide a list of feasible mitigation measures for the significant impact to GHG emissions. The EIR should evaluate each of the plans and policies in the existing general plan for mitigation of the significant impacts.

**RESPONSE 8-DD:** State targets for greenhouse gas reduction consider projected future growth statewide and do not assume that there will be no growth in California over the next 10-25 years. Given that population and employment in San José is projected to increase substantially, an efficiency threshold in terms of greenhouse gas emissions per capita was used rather than a static baseline. It is acknowledged that total emissions from land uses in San José could increase; however the Greenhouse Gas Reduction Strategy included in the proposed General Plan establishes efficiency targets that would need to decrease by 2035 to

meet statewide goals. The PEIR also discloses that emissions are projected to meet the 2020 target, but not the 2035 target. The General Plan includes a mechanism for assessing greenhouse gas emissions annually and adjusting measures to reduce greenhouse gas emissions as a part of major General Plan reviews every four years. While it cannot be predicted with certainty that the 2035 target of 3.05 metric tons per service population can be met, the proposed General Plan includes a mechanism for evaluating, refining, and updating City policies and programs to reduce greenhouse gas emissions.

The significant environmental impacts associated with retaining the existing General Plan were evaluated in Section 8.0 Alternatives to the Proposed Project of the Draft PEIR. In summary, the No Project/Retain Existing General Plan Alternative would incrementally reduce, but not avoid the significant impacts from the project associated with Noise, Air Quality, Biological Resources, and Greenhouse Gas Emissions. Retaining the existing General Plan would be somewhat superior in some areas of environmental impact, but would have greater impacts in others.

As discussed in Section 8.5.1.2, General Plans are intended to be an integrated, internally consistent and compatible statement of city policies. State law requires that General Plans be periodically reviewed and revised as necessary (Government Code §65040.5, §65300, §65300.5). Retaining the current General Plan, last comprehensively updated in 1994, without an update to reflect changes in the City's vision for its development would not be consistent with State planning law. The existing General Plan does not include a Greenhouse Gas Reduction Strategy which identifies policies designed to reduce greenhouse gas emissions or include requirements for tracking emissions and making adjustments to General Plan policies and City programs.

**COMMENT 8-EE:** The EIR also conflicts with the policies adopted by the City Council on January 12, 2010, which require the general plan to achieve 20 percent below 2005 levels by 2020 and 50% below 2005 levels by 2035. (EIR at 788.) If those goals are not feasible, it should be demonstrated why.

**RESPONSE 8-EE:** The PEIR evaluates the environmental impacts of the proposed project, the *Envision San José 2040 General Plan*, based on reasonable assumptions. Some of the assumptions used in the analysis are more conservative than the City's Green Vision Goals.

**COMMENT 8-FF:** The EIR should make a significance determination with respect to the conflict with SB 375. Increased VMT clearly conflicts with the SB 375 targets set for the Bay Area by the RTAC. (EIR at 807.)

**RESPONSE 8-FF:** As previously discussed in Response 8-Y and Section 3.2.1.9 (Transportation, Regulatory Framework) and Section 3.15.2.3 (Greenhouse Gas Emissions, Regulatory Framework), under SB 375 the Metropolitan Transportation Commission in partnership with the Association of Bay Area Governments, is required to create sustainable community strategies to meet target emission reductions as part of the Regional Transportation Plan for the Bay Area. This process is on-going and a sustainable communities strategy (SCS) has not yet been adopted. As described on page 233 of the Draft PEIR, if the SCS does not meet the regional target, an Alternative Planning Strategy must be produced. The planning process for the Bay Area is anticipated to be complete in 2013. Consistency of the proposed General Plan is also discussed in Section 3.15.5.1 and proposed

General Plan policies equivalent to SB 375 Sample Policy Categories are shown in Table 3.15-8 of the PEIR.

**COMMENT 8-GG:** 6. Alternatives

The proposed plan would result in a jobs-to-employed-resident ratio (J/ER) of 1.3 to 1 making San Jose an employment destination for commuters and increasing the city's tax revenues at the expense of other jurisdictions which would then have the problem of "more housing than jobs" that San Jose seeks to escape. (EIR at 19.) This results in regional transportation problems and environmental impacts for which there is no known solution according to the EIR.

The EIR offers five alternative scenarios, all of which fail to meet the city's over-riding fiscal objectives. Scenario 1 "would not support the degree of employment growth sought." (EIR at 23.) Scenario 2 "does not ... support the amount of employment growth sought." (EIR at 24.) Scenario 3 "would not fully meet the City's objectives regarding fiscal sustainability." (EIR at 25.) Scenario 4 should not have been evaluated. It only serves to make the environmental impacts worse. (EIR at 25, 865.) Scenario 5 results in virtually identical VMT and "would not support the regional employment objectives to the same degree as the proposed project." (EIR at 26.)

The City clearly sees fiscal benefits of becoming a commuting hub and is not interested in a lower J/ER ratio than 1.3 for that reason. None of the alternatives is feasible because none would meet the city's fiscal objectives. Five alternatives that all fail for the same reason is not a useful analysis.

**RESPONSE 8-GG:** The five alternatives described in Section 8.0 Alternatives to the Proposed Project (Scenarios 1-5) all meet the basic objectives of the proposed General Plan Update, although some to a greater extent than the others. None of these alternatives fail to meet the basic objectives of the project. Text has been added to the PEIR Summary to clarify the discussion.

**COMMENT 8-HH:** The city should consider alternative methods to invigorate the local economy in place of land use designations that result in costly driving, traffic congestion, and adverse environmental impacts.

Among these are increased rail transit which drives transit-oriented development, congestion fees, privatization of parking, increased taxes, reducing city services, or subsidizing businesses that will locate in the city. The EIR should explore an alternative where greater investment in redevelopment and infrastructure is directed toward redevelopment areas in order to increase the city's economic competitiveness, e.g., Old Town Pasadena, rather than policies that impact prime farmland.

Another useful alternative to consider would be a transit alternative that goes beyond the policies in the general plan and combines increased investment in the local economy and reduced investment in foreign oil. This could be combined with an alternative that capitalizes on the economic development potential of clean energy projects. Alternatives that link economic development to energy conservation, rather than sacrificing environmental goals for a shortsighted vision of economic development, must be explored if the City's Green Vision is to be taken seriously.

The EIR should produce a quantitative and supported financial breakdown showing the size and the use of the revenues it expects to generate by becoming a commuter hub and compare that with the revenues from the other alternatives. The cost to the public of the transportation infrastructure and

commuting expenses required by this land use scheme should be compared to what it would cost the public to pay outright the amount of tax revenues the city seeks.

**RESPONSE 8-HH:** This comment disregards that the City of San José does not provide bus, light rail or heavy rail transit services locally. These services are provided by separate agencies including the Santa Clara Valley Transportation Authority, Caltrain, and ACE as described in Section 3.2 Transportation of the PEIR. Expansion or modifications of the transit system itself are not within the City’s Authority.

The City currently has a Redevelopment Agency that has directed redevelopment in Downtown, North San José and other identified redevelopment areas of the City. The proposed plan includes a Land Use/Transportation Diagram and policies and actions that focus growth within the existing Urban Growth Boundary in order to preserve farmland outside the urban envelope of the city and allow for increased use of other modes of transit other than single occupancy vehicles.

It is not clear from this comment how an alternative that includes local investment and an emphasis on clean energy projects would be different than the proposed project or the project alternatives evaluated in the PEIR. The proposed project is adoption of a General Plan that sets out a vision for future growth, development, and the provision of municipal services in San José. Economic development, such as the creation of Clean Tech jobs in San José (see <http://greenvision.sanjoseca.gov/CleanTechJobs.aspx>), plays a different, though related, role than a City’s General Plan. The General Plan is the basic framework for existing and future development and operation of a city.

There is no requirement in CEQA that financial information be included in an EIR.

**COMMENT 8-II:** 7. Solid Waste

The landfilling of municipal solid waste (MSW) has a number of adverse environmental impacts including the waste of recyclable materials such as glass, newspaper, metal, and organic material. Landfilling recyclable material results in a larger amount of virgin material being extracted from the environment and the use of greater amounts of energy in the processing of them. Expanding the population of the city will result in a larger number of people contributing to the MSW stream and consequently additional potentially recyclable material being deposited into landfills with the consequent impacts on the physical environment. The EIR should evaluate and mitigate this impact. (EIR at 663.)

**RESPONSE 8-JJ:** The projected solid waste generation under the proposed project is disclosed on page 663 and impacts to solid waste facilities are addressed on pages 663-667 of the Draft PEIR. As described on page 664 of the Draft PEIR, the proposed *Envision San José 2040 General Plan* includes updated policies that along with City’s existing Zero Waste Strategic Plan (Appendix 2 provided by the letter writer) and other programs would avoid and reduce impacts to solid waste facilities from increased waste generation. As the impact to solid waste facilities would be less than significant, no additional mitigation is required.

**COMMENT 8-KK:** 8. Human Health Impact

Transportation has a significant impact on public health. Where a community is designed for the automobile, there are impacts to respiratory illnesses, cardiovascular diseases, obesity, and traffic-

related fatalities. These impacts are less where there is more public transportation, bicycling, walking, and other less polluting modes of transportation. The EIR should evaluate impacts on public health.

**RESPONSE 8-KK:** Impacts on safety and health associated with transportation are assessed in Section 3.2 Transportation and Section 3.4 Air Quality of the Draft PEIR. As described in Section 3.4 of the Draft PEIR, vehicle emissions are a major source of air pollutants in the San José area, including toxic air contaminants and particulate matter. Refer to Section 3.4.3.3 for a discussion of impacts to sensitive receptors from substantial pollutant concentrations and Section 3.4.1.2 for health effects from criteria pollutants such as ozone, particulate matter and nitrogen dioxide.

As discussed in Section 3.2.1.7 Pedestrian and Bicycle Circulation, dedicated pedestrian facilities improve safety in the urban environment of San José. Traffic-related safety is also addressed in proposed Street Typologies (pages 245-247), and Section 3.2.4.7 Impacts from Roadway Designs and Incompatible Uses. As noted on pages 260-267, 270-275 and 292-294, the proposed General Plan includes a set of updated long-range, multimodal transportation goals and policies that provide for a transportation network that is safe, efficient, and sustainable and proposed General Plan Policies and Actions will reduce significant impacts related to traffic safety to a less than significant level.

**ATTACHMENTS TO COMMENT LETTER 8:** The letter writer included 104 attachments, including the City's Strategic Energy Plan, California Air Resources Board's Climate Change Scoping Plan, articles, case studies, and reports. The attachments did not include comments on the PEIR and no other response is required. The attachments are on file at the City of San José Department of Planning Building and Code Enforcement and may be viewed during normal business hours.

**9. RESPONSES TO COMMENTS FROM RICHARD T. LOEWKE, LOEWKE PLANNING ASSOCIATES, DATED JULY 29, 2011.**

**COMMENT 9-A:** Thank you for the opportunity to comment on the Draft Program Environmental Impact Report for the Envision San Jose 2040 General Plan. Loewke Planning Associates has been retained by FWSH Partners II, LLC, sponsors of a mixed use land use program for the 76.2-acre iStar property in the Old Edenvale area, to review and comment on the Draft PEIR. As City Staff are aware, FWSH Partners II, LLC proposes to refine the land use designation on the iStar site to accommodate a mix of employment and residential uses, consistent with “Preferred” Scenarios 7 & 7A, as analyzed in the DPEIR. The current iStar proposal (see attached Conceptual Plan) consists of 700 dwelling units on 47.5 acres, a neighborhood park on 4.2 acres, and a combination of office/R&D and retail uses on the remaining 24.5 acres. The purpose of this letter is to clarify the mixed use character of the current iStar proposal, and to provide supplemental information for inclusion in the Final PEIR to more accurately reflect the balanced land use approach proposed to be taken for this property.

**RESPONSE 9-A:** To clarify an apparent misunderstanding, the alternative discussed in this letter is not consistent with either the proposed *Envision San José 2040 General Plan* that is the subject of this PEIR, or with the “*iStar Residential Option*” described starting on page 122 of the Draft PEIR

It appears that this letter refers to the proposed General Plan as Scenario 7 and the iStar Residential Option as Alternative 7A. The addendum to the Traffic Analysis for the General Plan (included as Appendix B to the Draft PEIR) refers to the proposed General Plan as Scenario 7 and a version of the proposed plan modified by the “residential options” on the Pueblo del Rancho Golf Course and iStar properties as Scenario 7A.

It needs to be stated very clearly that the project described in this letter was not analyzed in the Draft PEIR.

**COMMENT 9-B:** The Draft PEIR analyzes two variations on the “Preferred” General Plan Project Scenario (7 & 7A), along with five distinct action alternatives and a “no-project” alternative, as summarized in Table 8.5-1. The analysis shows that a residential use may be included on the iStar site (as per Project Scenario 7A) while maintaining both the targeted 839,450 jobs and the overall Jobs/Employed Resident ratio of 1.3. It is important to note that the current iStar mixed-use proposal would substantially reduce the number of dwelling units on this site (from 1,100 to 700), while committing approximately one-third of the property to on-site employment uses (24.5 acres). This balanced land use approach would accommodate up to 1,000,000 square feet of onsite employment uses, consistent with Project Scenario 7.

The foregoing mixed-use land use program for iStar would support each of the 15 Project Objectives listed in Section 8.3 of the DPEIR. In particular, we believe this commitment to retaining a focused on-site employment component, together with workforce housing in close proximity to two transit stations and two major industrial centers will serve to diminish external vehicle trips and promote a sustainable land use pattern, while supporting further expansion of employment throughout the Edenvale Area. Accordingly, the following comments are provided with respect to specific sections of the DPEIR:

1. Inclusion of Residential Option As Part of “Preferred” or “Project” Scenario

- a. [Chapter 2 Description – Sec. 2.1 / Page 34]: Throughout the document, the terms “Preferred Scenario” and “Proposed Project” are used interchangeably, and are defined to include “options” for both employment (Scenario 7) and residential (Scenario 7) uses on the iStar site. The 4<sup>th</sup> paragraph on page 34 references a “Preferred Scenario” as being synonymous with the “Proposed Project” evaluated in the document, and distinguishes this Preferred Scenario from the action alternatives analyzed in Chapter 8. As discussed in Section 8.5 (CEQA Alternatives), Scenarios 1 through 5 were selected for analysis as the five action alternatives, along with a “no-project” alternative (continuation of current General Plan), while Scenario 6 was dismissed based on infeasibility. Section 4.3 (iStar Residential Option) states that the “option” of including a residential use on the iStar property “would not alter the overall development capacity assumed under the Preferred Scenario on a citywide basis, and therefore inclusion of the residential option “would have impacts similar to those from the proposed project.” This conclusion is confirmed in Table 4.3-1 which shows that the direct and indirect impacts of the Proposed Project with the iStar residential option would be the “same” as those of the Proposed Project without this option.
- b. [Chapter 2 Description – Page 58]: Based on Comment #1a above, it should be clarified that when the document refers to the “Preferred Scenario” it is actually addressing the “Proposed Project” with or without the residential option for the iStar property (Scenarios 7 and 7A). Table 2.2-9 is described as showing “the development capacity planned” for the five Growth Areas within the Edenvale Planning Area. The 4<sup>th</sup> column in Table 2.2-9 correctly identifies the total planned employment for Old Edenvale as 31,000 (Options 7 & 7A - with or without the residential option for iStar); however, the 5<sup>th</sup> column should be revised to identify a residential component for Old Edenvale, consistent with option 7A. Note that while the table should identify the maximum size of this component (per residential Option 7A) as 1,100 units, the current iStar proposal is for a substantially smaller 700 units.
- c. [Chapter 2 Description – Page 122]: The discussion in Section 2.2.8.2 suggests that if selected as part of the General Plan Project, the iStar Residential Option would require a change in the land use designation from “Combined Industrial/Commercial” to “Mixed Use Neighborhood”. As noted in the 2<sup>nd</sup> paragraph, this conclusion is based on the assumption that the site would “develop solely with residential uses as shown in Table 2.2-18.” In light of the current mixed-use proposal for iStar, we suggest that the prospective land use designation on page 122 (and Figure 2.2-36 on page 125 - see attached edited diagram) be modified to a combination of “Mixed Use Neighborhood” and “Combined Industrial/Commercial”, in order to better accommodate a compatible mix of moderate density residential, together with commercial and/or Office/R&D uses as part of the Preferred Scenario. In addition, we suggest that Table 2.2-18 on page 123 be revised to reflect the following: (1) No net less of on-site jobs for the iStar Site (retain the assumed 1,050 on-site jobs without any corresponding transfer of jobs to other sites); and (2) A reduced allocation of 700 dwelling units on the iStar Site (with a proportionate reduction in changes affecting other housing sites).
- d. [Chapter 3.1 Land Use – Page 172]: Table 3.1-2 identifies the total number of jobs planned within the Old Edenvale area under the Envision San Jose 2040 General Plan (the Proposed Project) as 31,000. This table should be modified by footnote to clarify that this projection applies to the Proposed Project with and without the iStar Residential Option as currently

proposed. Whereas old Scenario 7A would have shifted 1,050 planned jobs from Old Edenvale to other nearby locations, the current iStar proposal retains all of these jobs on-site, thereby preserving the 31,000 total jobs in Old Edenvale.

- d. [Chapter 3.2 Transportation – Page 294]: The text states “*As discussed in Section 2.2.8 in the Project Description, this PEIR also evaluates options, different from what is in the proposed General Plan*”. The discussion continues on Page 295 to conclude as follows: “*Implementation of an updated General Plan that includes one or both of the residential options for the Rancho del Pueblo and iStar sites would have impacts similar to those from the proposed project.*” As noted under Comment #1b above, the terms “Proposed General Plan”, “Preferred Scenario” and “Proposed Project” are all synonymous; all refer to the Envision San Jose 2040 Plan with or without the residential option for the iStar property (Scenarios 7 and 7A).

## 2. Impact Analysis

- a. [Chapter 3.1 Land Use – Page 188]: The discussion of impacts associated with the “iStar Residential Option” should be refined, consistent with the current mixed-use proposal for the iStar property, with its reduced residential capacity of 700 units and its retention of on-site employment. The second sentence in Section 3.1.3.9 should be modified to read: “Under these options the iStar property would be designated for a combination of residential and employment uses, and the pueblo Golf Course would be designated for ...”. We agree with the conclusion immediately preceding Table 3.1-3 that implementation of the General Plan, with this refined and reduced residential option for the iStar site “would have impacts similar to those from the proposed project (without the residential option).” While aggregate employment and housing projections under the Proposed Project, with and without the residential option for iStar are identical, we wish to point out (qualitatively) that the more balanced mix of uses reflected in the current iStar proposal will serve to marginally reduce average daily and peak-hour traffic, and have other positive effects on a number of impact categories. Accordingly, the overall significance conclusions within Table 3.1-3 are not expected to change; however, the discussion of "Basis" should reflect the following refinements: (LU-4) The projected job growth will not be shifted to other employment lands, villages and corridors because the current mixed-use iStar proposal retains all of the assumed job growth on-site.
- b. [Chapter 3 Traffic Analysis – Page 284]: Retention of on-site employment and reduction of planned on-site housing in the current mixed-use iStar proposal, will tend to further moderate the minor differences in travel speed and V/C ratios between the Proposed Project with and without the residential option for iStar in Tables 3.2-16 and 3.2-17. As an example, the length of impacted roadway lane miles of within the nearby community of Gilroy is expected to increase from 1.54 miles in the Proposed Project without Residential Options to 1.65 miles with the Residential Options (Table 3.2-17); while remaining less-than-significant, this difference will be somewhat smaller if the current iStar proposal is implemented.
- c. [Chapter 3 Vibration Analysis – Page 350]: As noted under Comments #1c and #2a above, the document's characterization of the iStar site as proposed to be “designated for residential use instead of the currently designated industrial use” should be modified. The description should read: “...the iStar site would be designated for a combination of residential and employment uses instead of employment uses alone”. This comment also applies to the

discussion of impacts under the Air Quality (Sec. 3.4.4.8), Biological Resources (Sec. 3.5.3.10), Geology and Soils (Sec. 3.6.3.6), Hydrology and Water Quality (Sec. 3.7.3.4), Hazardous Materials and Hazards (Sec. 3.8.3.6), Public Facilities and Services (Sec. 3.9.3.6), Utilities and Service Systems (Sec. 3.10.3.6), Cultural and Paleontological Resources (Sec. 3.11.4.5), Aesthetics (Sec. 3.12.3.4), Energy (Sec. 3.13.4.4), Population and Housing (Sec. 3.14.4.4), Greenhouse Gas Emissions (Sec. 3.15.5.4), Indirect Impacts (Sec. 4.3), and Significant Irreversible Environmental Changes (Sec. 7 - Page 859).

- d. [Chapter 3 Greenhouse Gas Emissions – Page 823]: The discussion of impacts associated with the iStar Residential Option in Section 3.15.5.4 at the bottom of page 823 reads: “Both residential sites would be infill projects, with the iStar site close to transit. It is not anticipated that either would include a mix of land uses.” This language should be revised based on the current mixed-use iStar proposal to state: “...It is anticipated that the iStar site will be developed with a mix of residential and employment uses.” As discussed above, the more balanced current land use program for iStar will place workforce housing and jobs in close proximity, thereby improving land use efficiency and reducing vehicle miles traveled. This is not expected to change any of the significance conclusions reached in the Draft PEIR; nevertheless it is likely to have a modest positive effect on GHG emissions and related effects.

### 3. New Land Use and Residential Density Requirements

- a. [Chapter 2 Description – Page 36]: The discussion of the Preferred Land Use Scenario in Section 2.2.1 on Page 36 text states “*New residential development within the Growth Areas is planned to occur at a density of at least 55 dwelling units per acre (55 DU/AC) with some allowance for 30 DU/AC at interfaces with existing single-family neighborhoods.*” The Planned Growth Areas are depicted in Figure 2.2-1 on Page 41 to include both a range of different growth categories, including Employment Areas such as Old Edenvale (listed again on Page 38). The discussion on page 36 should be modified to state that the “Proposed Project with Residential Option includes designation of a portion of the iStar site within the Old Edenvale Growth Area as “Mixed Use Neighborhood accommodating a density of less than 30 DU/AC.” Note that the average gross density applicable to the residential portion of the current mixed-use iStar proposal is approximately 14.5 DU/AC.
- b. [Chapter 2 Description – Page 38]: The discussion of Employment Land Areas on Page 38 includes Old Edenvale where the iStar site is located. It is stated that these Employment Land Areas “represent existing areas of the city (already) developed with employment generating uses.” Nevertheless, the iStar site is currently undeveloped, and included as part of the Proposed Project with Residential Option for planned development which includes residential uses. The discussion on page 38 should therefore be modified to include reference to residential development on a portion of the iStar site, as reflected in the attached plans.
- c. [Chapter 2 Description and EADP – Page 38]: Approval of the Proposed Project with Residential Option on the iStar site would result in the mixed-use development program described on Page 1 of this comment letter (as reflected in the attached diagram). It is our expectation, based on established City procedure that adoption of the Envision San Jose 2040 General Plan with Residential Option for iStar will result in the revised land use designations discussed under Comment #1c above, with authorization to revise the Edenvale Area Development Policy consistent with the General Plan concurrently with action on the

implementing Re-Zoning (PD Zoning). Accordingly, these subsequent implementing actions will be evaluated based on (and analysis will tier from) the certified PEIR for Envision San Jose 2040.

**RESPONSE 9-B:** The project discussed in this letter is not consistent with the proposed project evaluated in the Draft PEIR, the “iStar Residential Option”, or with any of the alternatives discussed in the Draft PEIR. There was no reason to evaluate this additional alternative because it would not be characterized as environmentally superior to either the optional residential or proposed commercial uses because of the following:

The alternative would create a small island of residential development isolated from other residences and all residential services (except a small park directly in front of the major commercial buildings) by freeways, a major six-lane roadway (Santa Teresa Boulevard), industrial development, a police station, and a large format commercial development. In addition to creating a potential for residences to be impacted by excessive truck traffic (from both industrial and proposed commercial land uses) and its associated impacts (including noise, safety, and toxic air contaminants), the small size of the residential development area increases its incompatibility with adjacent uses on all sides and creates a potential predisposition to blight if the residences are perceived by the market as undesirable and sold to absentee owners as rentals.

**10. RESPONSES TO COMMENTS FROM VEP COMMUNITY ASSOCIATION, DATED JULY 29, 2011.**

**COMMENT 10-A:** On behalf of our membership, the Board of Directors of the VEP Community Association appreciates the opportunity to comment on the draft GP2040 Program Environmental Impact Report. VEP recently sponsored two formal presentations on Envision San Jose 2040, which elicited significant interest in this revision of our general plan.

The VEP Board would like to commend the members and staff of Envision San Jose 2040 for the work and commitment that went into developing it. Some of its particularly strong points are:

- Continuing to increase the number of jobs within the city of San Jose as a priority in achieving fiscal sustainability;
- Providing for periodic, serious reviews of San Jose’s evolution in comparison with the goals of this general plan;
- Continuing support of environmental goals including protection of areas surrounding San Jose, such as the Mid-Coyote Valley and South Almaden Valley Urban Reserves;
- Clearly defining the urban boundaries of San Jose;
- Providing protection and support for established residential neighborhoods while advancing new models for the future;
- Focusing growth into areas where it can be best supported; and
- Utilizing the concept of one or more pilot projects in developing “urban villages”, to ensure successful implementation of this new concept in our city.

The new general plan also raises concerns for the city’s future. The PEIR indicates that increasing San Jose’s population will definitely have a negative impact on the quality of life that we have all come to expect. Unfortunately, the quality of life in San Jose has been slowly deteriorating over recent years, largely due to the economic downturn and ten years of consecutive budget deficits. This has resulted in decreased services and deferred maintenance on our infrastructure, particularly streets and parks. Libraries and community centers have also been seriously impacted, and most recently concern has increased over the budgetary requirements to decrease public safety services.

Therefore, the focus of Envision San Jose 2040 on expanding the city’s employment base is extremely important. A fiscal analysis of San Jose’s existing land usage (prepared by ADR, Inc.) shows that every new job in the city is a net financial benefit to the city; every new residence is a net financial loss. Understanding this, we applaud your focus on job creation as a long term strategy that will enhance the fiscal sustainability of San Jose and its quality of life.

Based on Table 8.5-1 in the PEIR, the baseline plan proposes adding 470,000 new jobs over the 30-year horizon of the plan, as well as proposing adding 120,000 dwelling units. We find Scenario 1 (titled “Low Growth”) to be a preferable scenario, as it adds 88,650 dwelling units (DU) over the same timeframe. This matches the average 3,000 DU/year growth rate that the city has experienced over the last decade. There is no apparent need to expand the housing base faster than the recent pace, and acceleration is bound to be difficult with the amount of buildable land being severely constrained. Moreover, each new residential unit adds to our city’s costs.

Scenario 1 also calls for adding 346,550 jobs in thirty years, approximately doubling the employment base. The “Low Growth” plan targets a ratio of 1.2 jobs for each employable resident. This is clearly a worthy objective, even though it is slightly less than the goal of 1.3 in the General Plan’s

baseline scenario. Periodic reviews will be key to assisting the city in determining how to proceed. Should job growth fall behind, the review process should trigger a corrective moratorium on residential construction.

However, the Association of Bay Area Governments (ABAG) proposes a very different scenario, one in which San Jose will continue to function as the “bedroom community” for our area. This has not been acceptable in the past, and will clearly be problematic should it continue into the future. Being the “bedroom community” contributes to the city’s structural deficits, while also adding to the “average vehicle miles” traveled (adding to the challenge of the goal to reduce this number significantly in the future). Clearly this would not be good for San Jose; bad for our roads, bad for our air, bad for our quality of life, and bad for San Jose’s fiscal, economic, and environmental sustainability.

One of the opportunities for relieving congestion lies in telecommunications, which the General Plan briefly addresses in Chapter 3. Many businesses, both large and small, use teleconferencing and webinars to educate and bring their employees and stakeholders together, whether they are in the next building, are three miles away, or are 3,000 miles away. To be attractive, San Jose needs to have communication freeways, high capacity fiber trunks, switching nodes, and server farms. Work-from-home is a potential bonanza for reducing vehicle miles traveled (VMT) in San Jose and Silicon Valley.

There are ambitious assumptions in the General Plan concerning the success of mass transit. While the goal to significantly increase usage of mass transit is an admirable one, currently the region is strongly interconnected by roads and use of private vehicles. This is borne out by the fact that mass transit, bicycles, and carpools make up a small percentage of the employment-related traffic. Continued public education, increasing bicycle lanes, and financial incentives by employers will continue to encourage the growth in usage of mass transit. However, as this is a significant cultural shift for the majority of the residents of our city, efficacy of mass transit should be included as part of the periodic reviews in the general plan.

**RESPONSE 10-A:** The foregoing comments include the letter writer’s concurrence with information in the PEIR and reflect opinions and recommendations regarding the project, the *Envision San José 2040 General Plan*. The comments do not raise any questions about any environmental issues or the adequacy of the PEIR. No other response is required.

**COMMENT 10-B:** Envision San Jose 2040 proposes the development of several “urban villages”. Of the seven identified proposed locations, the one on the VTA Park ‘n Ride lots at Capitol Expressway/ Narvaez/Hwy 87 is of particular interest and concern to the VEP Community. For more than five years, VEP has had a formally-adopted goal to work toward the improvement of the intersection at Capitol Expressway/Narvaez and the onramp/offramp to Hwy 87. This intersection has had significant traffic volume and traffic flow issues for several years. It became problematic following the development of Communications Hill.

In 2007, VTA proposed selling/leasing the same property that is currently included in the proposed general plan. The surrounding communities became very concerned about the potential to worsen ongoing traffic gridlock that occurs daily at this intersection, and voiced their concerns to VTA, to members of the City Council, and to members of the Santa Clara County Board of Supervisors. VTA enlisted Fehr & Peers Consulting firm to develop possible scenarios for resolution. Each of their four alternatives indicated that a portion of the land (now part of the Park ‘n Ride lots) would be needed to mitigate existing congestion on the northbound onramp to Hwy 87. Currently, although it’s listed on

VTA’s Highway Program, there is no plan or funding in place to improve this intersection or highway onramp. Without a plan to improve the intersection and onramp, the development of the VTA property into an “urban village” would certainly worsen congestion there, negatively impacting the established surrounding residential communities. Worse, using any of the available land could foreclose the possibility of future traffic mitigation. This is a major concern to VEP and its neighboring communities.

Since 1969, the VEP Community Association has an established history of commitment and willingness to work in collaboration with elected officials, staff, and developers on projects that directly affect our community. We would welcome the opportunity to do so again should the proposal go forward to develop the VTA Park ‘n Ride lots as an “urban village”.

**RESPONSE 10-B:** The General Plan process for implementing any of the Urban Village designations includes extensive community outreach and formulation of a Village Plan. Because VTA owns the land at this Park ‘n Ride lot, that process would not be initiated without their involvement. Since there is no specific design or proposal for modifications to SR 87 at this location presently available, the details of any future revisions or expansions proposed for the existing on-ramps may be developed prior to or concurrent with development of the Village Plan or Plans created for future Urban Villages at this location. The Urban Villages at this location are not presently anticipated to develop until Horizon 2 (see Figure 2.2-34).

**COMMENT 10-C:** The Program Environmental Impact Report makes it clear that increasing the population density of San Jose will create unavoidable adverse effects. Key to mitigating those effects is having an economically and fiscally sustainable city. Envision San Jose 2040 charts a path toward that goal, and for that reason, it certainly deserves support.

**RESPONSE 10-C:** As part of a letter commenting on the PEIR, this comment will be included in the Final Program EIR. No other response is required.

**11. RESPONSES TO COMMENTS FROM SHIRLEY WORTH, DATED JULY 29, 2011.**

**COMMENT 11-A:** This is to support the idea of including Lincoln Ave. in the General Plan as a street to be converted to a "Complete Street" with 2 traffic lanes and one 2-way center left turn lane, with bicycle lanes.

I second the comment submitted by Larry Ames:

<< As I said during public comment, I wish that Lincoln Avenue would be added to the list of streets under consideration for reduction from 4 to 2 lanes of traffic. It is being designated as the "Main Street" that serves the historic downtown neighborhood commercial district of Willow Glen. While it does have to carry a fair amount of traffic, the current four lanes are not optimally configured: in places one lane is blocked by left-turners, other places the other is blocked by parallel-parkers, and the through-traffic is already effectively a single lane that weaves around the obstacles. If Lincoln were converted to one-lane each way, with a 2-way left-turn middle lane and bike lanes along the side, the traffic would move more smoothly and efficiently, the neighborhood commercial district would better serve the local community (by being more accessible by bike), and I would predict that the impact on the through traffic would be minimal. (I'd recommend having the 3-lane configuration run the full length from Almaden Expressway to San Carlos, so as to avoid having a lane of traffic peel off into one local residential street or another.)

... Figure 2.2-18 shows that the Almaden / Vine one-way pair will be decoupled. This will be very beneficial to the local community. However, unless measures are taken in advance, this may result in more of the Almaden Expressway traffic peeling off on to Lincoln. (This is yet another reason for converting Lincoln Ave. into a "complete" street, so as to avoid having the Almaden/Vine improvements adversely affecting an adjacent community!>>

**RESPONSE 11-A:** See also the information in Master Response A, which is at the beginning of Section 4 Responses to Comments.

Reducing the number of lanes in Lincoln Avenue from the existing four lanes to either two or three raises a number of complex and substantial issues. As a long-existing main street serving a well-established neighborhood business district and the surrounding residential areas, evaluating the removal of two travel lanes is beyond the level of specificity appropriate to a General Plan analysis. It will require additional analysis with more detailed information, and a project-specific CEQA document addressing the impacts of doing so. The question was also raised in Task Force meetings, and a formal response was provided to the Task Force at that time.

The conversion of the Almaden/Vine one-way couplet to two independent streets was approved by the City Council several years ago, pursuant to a separate CEQA analysis. Traffic analyses prepared for all subsequent development proposed since that time has included the conversion in the background as having been previously approved, consistent with City policy and practice. Converting the existing configuration of Lincoln Avenue is also likely to adversely impact the residential neighborhood that lives on and around the Almaden/Vine couplet, and that conversion would be taken into consideration in the analysis.

**12. RESPONSES TO COMMENTS FROM LOWELL GRATTAN, DATED JULY 29, 2011.**

**COMMENT 12-A:** I have tried to follow the new General Plan development and do have a few comments.

I have been a good friend and an investment associate with a previous San Jose Planning Director for over 30 years who has given me some understanding of Planning.

Planners,

The San Jose General Plan is a 10 year Plan that has been understudy for almost three years. Many of the ideas previously reviewed and agreed upon are becoming out of date or becoming questionable as to their success. Should consideration be given to making this plan a 3 year General Plan to be reviewed again in three years? The basis of this plan seems to be Reducing CO2 which is now, not as high a priority as it was three years ago. General Plans in the past have had Economics as their basis including housing costs and mobility, etc. If the plan cannot be financed it cannot be implemented.

More consideration could be given to the existing State, U. S. National problems of Jobs, taxes, debt.

**RESPONSE 12-A:** The City's current General Plan was approved in 1994 and the currently proposed General Plan includes citywide development assumptions through the year 2035. The City of San José's General Plans typically provide a blueprint for development in the City that exceeds a ten year timeframe. The *Envision San José 2040 General Plan* includes a major review every four (4) years to assess the progress of the General Plan and allow for adjustments in its implementation. The major review would also be the time the City Council determines whether to move into the next residential growth Horizon.

The proposed General Plan development assumptions would result in a jobs to employed resident ratio of 1.3 to 1. The General Plan is intended to allow a substantial increase in the number of jobs in San José and maintains economic development as a major strategy of the Plan.

The City of San José has prepared a Greenhouse Gas Reduction Strategy to ensure that implementation of the General Plan aligns with the implementation requirements of the Global Warming Solutions Act of 2006 and the Bay Area Air Quality Management District's CEQA Guidelines. Preparation of a qualified Greenhouse Gas Reduction Strategy (GHG Reduction Strategy) will allow development consistent with the GHG Reduction Strategy and General Plan to be processed without preparation of a detailed GHG emissions analysis for each individual project.

**COMMENT 12-B:** Transportation Corridors.

San Jose is following Portland in developing Transportation Corridors. San Jose Planners should be aware that 10 years after the plan in Portland was established, there was not one building permit issued in their planned Transportation Corridors. The Planning Director reported to the Council that they would need urban development bonds to develop the project. Portland has now issued approximately 1.5 billion of bonds for this purpose. City employees and teachers feel that they have

received less pay as funds have gone to pay off these bonds that should have gone to them. They are most unhappy.

Secondly, Our Governor is NOT going to permit this type of bond to be used in the future which may delay or make it impossible to develop Transit Corridors.

Third, Estimates of future growth cannot be substantiated and are not reasonable.

**RESPONSE 12-B:** The proposed General Plan allows for intensification of urban development along major commercial/transit corridors and in villages at existing and planned transit stations. The growth assumptions include development citywide through 2035. The *Envision San José 2040 General Plan* requirement for four-year major reviews will allow the City to adjust its implementation policies as necessary.

The commenter's concerns regarding the *Envision San José 2040 General Plan* and the assumptions contained therein are noted. Since this comment does not raise any concerns or questions about any environmental issues or the adequacy of the PEIR, no further response is required.

**13. RESPONSES TO COMMENTS FROM MICHAEL MULCAHY, DATED JULY 29, 2011.**

**COMMENT 13-A:** As part of the work of the Envision 2040 General Plan update, it has come to my attention that there is a significant decision being made with respect to some of San Jose’s streets. Creating “Complete Streets” will be very good for our City by promoting slower traffic, less cars, and an orientation that honors bikes and pedestrians. I have heard it referenced as giving them “road diets” or the creation of “Main Streets.” I applaud this approach.

However, I am very surprised to learn that one of our most prominent existing Main Streets is not being considered for this designation by the Envision 2040 task force. I am formally petitioning the task force to consider Lincoln Avenue, one of the most storied commercial districts in the City, but one that is challenged by too high a speed limit, no bike lanes, and unsafe crosswalks. We need to improve such conditions on the Avenue, not only to improve commerce, but most importantly, to prevent the accident waiting to happen. Moreover, the City and County’s limited attention to the dangers created by mixing commuter traffic, insufficient bus safety, and high speeds with small business storefronts, parents with children and dogs, and two nearby schools is hard to believe and irresponsible.

I encourage the task force to add Lincoln Avenue to the list of streets under consideration for reduction from 4 to 2 lanes of traffic: one-lane each direction, with a center lane for left-turns and bike lanes along-side the parallel parking. Traffic would move more efficiently, the commercial district would better serve its customers, and the impact on through-traffic would be minimal. I would like to see the lane reduction start just past Pine Avenue on the southern end of the district and widen back to 4 lanes at the Highway 280 overpass on the north end.

While I know this cannot be accomplished overnight, but we have to start somewhere and I urge the task force to at least get Lincoln Avenue on the list for consideration.

**RESPONSE 13-A:** Please refer to Master Response A: Designation of Lincoln Avenue as a Main Street, which is at the beginning of Section 4 Responses to Comments.

**14. RESPONSES TO COMMENTS FROM AMY ZENG, DATED JULY 29, 2011.**

**COMMENT 14-A:** It has brought to my family’s attention the city of San Jose is discussing to rezone the land that is now Rancho Del Pueblo Golf Course. The golf course has been part of our social life for many years. It is great place to adults and children to take golf lessons and practice both on the driving range and the course. The community regards Rancho Del Pueblo Golf Course is the one of the best golf courses in the center of the Silicon Valley. The area already has high dense of houses. We really need the golf course there to make the environment green and provide the place to relax for our busy life. I really appreciate if you have time to go there. We will find how valuable the golf course is. The staff provides wonderful service, golfers are very happy/friendly and kids are learning life skill there, which is far beyond the golf itself. In my opinion, the place has made San Jose is better place to live.

We greatly appreciate if you could consider our view to against the idea to demolish Rancho Del Pueblo Golf Course. Your support will be known for many generations to come.

**RESPONSE 14-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**15. RESPONSES TO COMMENTS FROM JOHN BERNSTEIN, DATED JULY 30, 2011.**

**COMMENT 15-A:** I am a huge fan of reducing Lincoln to 1 lane each direction between Minnesota and Willow streets.

Take a look at what Livermore did with their downtown 1st street: They switch a major thoroughfare from 4 lanes to 2 lanes (1 each way), giving the outside lane to new sidewalks, landscaping, and patio areas for restaurants and cafes.

It made the downtown of Livermore in to a walking/shopping/dining hot spot. It produced significantly more shoppers for the stores, more diners, and traffic wasn't an issue at all.

This YouTube video describes what they did: <http://www.youtube.com/watch?v=gfr-RJ7Xac8>

Other bay area cities have done similar downtown transformations.

Please help make Lincoln much more shopper and pedestrian friendly! The only result you'll see is increased tax revenue, oh and probably a lot of happy residents.

**RESPONSE 15-A:** Please refer to Master Response A: Designation of Lincoln Avenue as a Main Street, which is at the beginning of Section 4 Responses to Comments.

**16. RESPONSES TO COMMENTS FROM VERNON LADD, DATED JULY 30, 2011.**

**COMMENT 16-A:** PLEASE PLEASE PLEASE make Lincoln Ave. 2 lanes in downtown WG. We need an area that is much more pedestrian/bike friendly and better suited w/ wider sidewalks to outdoor dining. Every nice city in the area, e.g. Pleasanton, Menlo Park, Palo Alto, Los Gatos, Campbell, etc. has a 2 lane downtown. Why not make WG a prototype for other areas w/in San Jose? It will help build stronger neighborhoods which are safer, etc., too! Crossing 4 lanes of traffic as a pedestrian is dangerous even w/ blinking crosswalk lights. I've personally seen too many close calls because the sidewalk lane will stop for a pedestrian, but the inside lane driver doesn't see the pedestrian! There are so many ways to do 2 lanes!

**RESPONSE 16-A:** Please refer to Master Response A: Designation of Lincoln Avenue as a Main Street, which is at the beginning of Section 4 Responses to Comments.

**17. RESPONSES TO COMMENTS FROM TAO ZENG, DATED JULY 30, 2011.**

**COMMENT 17-A:** My children and their friends have been taken golf lessons and practice in Rancho Del Pueblo Golf Course for many years. They spend most of their spare time in Rancho Del Pueblo Golf Course and enjoy the game greatly. They feel very disappointed about the rezone land news, and urged me to write to you. The golf course has been part of kids's social life for many years. The area already has high dense of houses. We need the golf course there to make the environment green, the San Jose a better place to live.

We greatly appreciate if you could manage to keep Rancho Del Pueblo Golf Course.

**RESPONSE 17-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**18. RESPONSES TO COMMENTS FROM DR. ZLIAN, DATED JULY 30, 2011.**

**COMMENT 18-A:** My children and their friends have been taken golf lessons and practice in Rancho Del Pueblo Golf Course for many years. They spend most of their spare time in Rancho Del Pueblo Golf Course and enjoy the game greatly. They feel very disappointed about the rezone land news, and urged me to write to you. The golf course has been part of kids's social life for many years. The area already has high dense of houses. We need the golf course there to make the environment green, the San Jose a better place to live.

We greatly appreciate if you could manage to keep Rancho Del Pueblo Golf Course

**RESPONSE 18-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**19. RESPONSES TO COMMENTS FROM NANCY GOEBNER, DATED JULY 30, 2011.**

**COMMENT 19-A:** Absolutely, Lincoln through Downtown Willow Glen should be one lane each way with a turn lane or median strip down the middle. That would smooth traffic flow, make it safer for pedestrians and cyclists (bike lanes!) and improve the CHARM of our downtown. Please consider this.

If you've seen old photos of Lincoln Ave, you've seen that it used to have one lane each way, and a trolley down the center.

**RESPONSE 19-A:** Please refer to Master Response A: Designation of Lincoln Avenue as a Main Street, which is at the beginning of Section 4 Responses to Comments.

**20. RESPONSES TO COMMENTS FROM NICHOLAS JENSEN, DATED JULY 30, 2011.**

**COMMENT 20-A:** Lincoln Avenue should be reduced from 4 to 2 lanes as part of the Envision 2040 plan. Reducing the speed of traffic and creating a friendlier atmosphere for cyclists and pedestrians with “complete streets” would be a huge win for the businesses in downtown Willow Glen.

Imagine if the sidewalks were wider. Restaurants could offer more outdoor seating. Reducing the speed of traffic would make downtown quieter and safer. Have you tried to cross the street in downtown Willow Glen? Even with the crosswalks, we regularly see near misses as pedestrians brave the 4 lanes of traffic.

As Willow Glen homeowners, we'd love to see our neighborhood more friendly for people, not cars.

**RESPONSE 20-A:** Please refer to Master Response A: Designation of Lincoln Avenue as a Main Street, which is at the beginning of Section 4 Responses to Comments.

**21. RESPONSES TO COMMENTS FROM MIKE CULCASI, DATED AUGUST 1, 2011.**

**COMMENT 21-A:** I learned recently that the City of San Jose has set a hearing date to discuss the possibility of rezoning the land that is now Rancho del Pueblo Golf Course. I am writing to you today because I am very concerned about this potential rezoning action.

I am currently an active volunteer with The First Tee of San Jose. I have personally witnessed the positive impact this program has on young members of our community. What I like most about The First Tee is the emphasis on life skills through it's Nine Core Values (Honesty, Perseverance, Courtesy, Sportsmanship, etc.). So it's not just a golf program, it's a program which emphasizes what is important to live a productive and well-balanced life. I believe The First Tee contributes to healthier and better-balanced youth in our community.

The First Tee programs are based at Rancho del Pueblo Golf Course. Without that facility, we would not have a home and it would truly be a significant loss to the young kids in our city. For these reasons, I urge you to cast your vote AGAINST rezoning of Rancho del Pueblo.

**RESPONSE 21-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**22. RESPONSES TO COMMENTS FROM HENRY CORD, DATED AUGUST 1, 2011.**

**COMMENT 22-A:** I reviewed the 2040 draft. I was specifically looking at Downtown and the plan continues to designate it as a growth area for jobs and housing – that’s good! My question - I didn’t see any reference to the recent Diridon Area Plan, which report was accepted at Council - did I overlook it. If not in the 2040 Plan then why not.

**RESPONSE 22-A:** The Diridon Area Plan is currently under development and is not included in the proposed *Envision San José 2040 General Plan*. It will undergo separate environmental review. The Diridon Area Plan would be incorporated into the City’s General Plan, if adopted.

**23. RESPONSES TO COMMENTS FROM PAM DEAL, DATED AUGUST 1, 2011.**

**COMMENT 23-A:** I recently learned of the proposed General Plan Amendment whereby the Rancho del Pueblo Golf Course would be rezoned for future development instead of the recreational uses currently allowed.

I am strongly against allowing the rezoning of this property. The Rancho del Pueblo Golf Course represents one of the few affordable golf options available to beginning golfers in the San Jose area. As a beginning golfer, I use the course frequently and regularly see children at the course. As you are probably aware, the golf course has also become the home site for The First Tee of San Jose. The First Tee is a nationally recognized youth life skills program targeting under privileged populations.

I believe the citizens of the City of San Jose value opportunities to provide healthy, safe, affordable outdoor recreational options for our children. I urge you to please vote no to the rezoning of this valuable community asset.

**RESPONSE 23-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**24. RESPONSES TO COMMENTS FROM BRIAN MOLVER, DATED AUGUST 1, 2011.**

**COMMENT 24-A:** I recently learned of the proposed General Plan Amendment whereby the Rancho del Pueblo Golf Course would be rezoned for future development instead of the recreational uses currently allowed.

I am strongly against allowing the rezoning of this property. The Rancho del Pueblo Golf Course represents one of the few affordable golf options available to beginning golfers in the San Jose area. As a beginning golfer, I use the course frequently and regularly see children at the course. As you are probably aware, the golf course has also become the home site for The First Tee of San Jose. The First Tee is a nationally recognized youth life skills program targeting under privileged populations.

I believe the citizens of the City of San Jose value opportunities to provide healthy, safe, affordable outdoor recreational options for our children. I urge you to please vote no to the rezoning of this valuable community asset.

**RESPONSE 24-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**25. RESPONSES TO COMMENTS FROM LUKE LI, DATED AUGUST 1, 2011.**

**COMMENT 25-A:** It has brought to my family’s attention the city of San Jose is discussing to rezone the land that is now Rancho Del Pueblo Golf Course. The golf course has been part of our social life for many years. It is great place to adults and children to take golf lessons and practice both on the driving range and the course. The community regards Rancho Del Pueblo Golf Course is the one of the best golf courses in the center of the Silicon Valley. The area already has high dense of houses. We really need the golf course there to make the environment green and provide the place to relax for our busy life. I really appreciate if you have time to go there. We will find how valuable the golf course is. The staff provides wonderful service, golfers are very happy/friendly and kids are learning life skill there, which is far beyond the golf itself. In my opinion, the place has made San Jose is better place to live.

We greatly appreciate if you could consider our view to against the idea to demolish Rancho Del Pueblo Golf Course. Your support will be known for many generations to come.

**RESPONSE 25-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**26. RESPONSES TO COMMENTS FROM GARY HURST, DATED AUGUST 3, 2011.**

**COMMENT 26-A:** I want to go on record as a San Jose taxpayer in opposition to the rezoning of this recreational facility. The golf course and driving range are a gathering place for a large number of diverse people from the surrounding community who have no other place to come together and share their common interest. Rezoning the golf course to allow more housing will eliminate one of the few facilities in the area that draw people from many cultural and economic backgrounds together, and will eliminate one of the few remaining open spaces in the area. Why not increase the housing stock in the area by eliminating the Mexican Heritage Center or the PAL field that appear to be far less used and require large city subsidies to remain open even after the cost of renting city-owned land is eliminated. Even the park across the street from the golf course will see diminished use because so many park users park their cars in the golf course parking lot while using the park.

Depriving seniors, young First Tee students, novice golfers, women and others of the best golf course in the area for their programs, style of play, and opportunity to interact and build the community will be a step backwards. Denser housing in this area will also surely lead to an increase in the crime rate and add to the city's costs above and beyond the resulting tax increases.

Why not focus on annexing the property of the former Pleasant Hills golf course into the city and developing that property which is larger, closer to planned light rail expansion, and currently unused and earning virtually no tax revenue?

**RESPONSE 26-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**27. RESPONSES TO COMMENTS FROM LAUREN MOLL, DATED AUGUST 3, 2011.**

**COMMENT 27-A:** As another San Jose taxpayer and voter, I want to add my voice to that of my husband. The city spent millions of dollars to build this golf course, but seems to lack the vision to preserve it for the people of the area and wants to build more housing in an already congested area. The costs of supplying city services to such housing will surely cost more than the tax base increase and the quality of life in the area will be lowered by the loss of the golf course and problems associated with denser housing.

This part of the city has too few recreational opportunities, too little open space, and too few places for community interaction already - do not throw away this community asset forever by rezoning this golf course. Shame on you for wasting city resources considering this zoning change. Focus on developing underused properties near mass transit like the old Pleasant Hills golf course on White Road.

**RESPONSE 27-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**28. RESPONSES TO COMMENTS FROM BRUCE REILLY, DATED AUGUST 4, 2011.**

**COMMENT 28-A:** Please add me to the list of people who support maintaining the Rancho del Pueblo golf course. There are other opportunities for housing within the city. There are houses surrounding the golf course that have not sold, so why build more. There is no other facility like this in east San Jose (short, 9-hole golf). Many of us who do not have the time or energy for 18 holes, rely upon this facility to get us outdoors and provide a place for our exercise and social contact...both beneficial to our health. It would be much easier to provide housing at another site without sacrificing the health of the community.

**RESPONSE 28-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**29. RESPONSES TO COMMENTS FROM JOHN WHITAKER, DATED AUGUST 5, 2011.**

**COMMENT 29-A:** Please add my name to the list of people who support maintaining the Rancho del Pueblo golf course. There are many other opportunities and locations for additional housing within the city. There is no other facility like this in east San Jose (short, 9-hole golf). Many of us senior citizens who do not have the time or energy for 18 holes, rely upon this facility to get us outdoors and provide a place for our exercise and social contact...both beneficial to our health. Once this is gone, it will be cost-prohibitive to recreate elsewhere. It would be much easier to provide housing at another site without sacrificing the health of the community.

**RESPONSE 29-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**30. RESPONSES TO COMMENTS FROM NOSHABA AFZAL, DATED AUGUST 8, 2011.**

**COMMENT 30-A:** We have a crisis on our hands! Why is city is trying to sell our golf course to build hundreds of homes in order to balance their budget at our expense?

This is a nightmare, my neighbors & I imagine the hundreds of cars, congestion, noise, fire hazards from high density housing etc all squeezed into our backyards! This will have an enormous negative impact on our quality of life for our children & families.

To get a sense of the additional chaos this sale will cause the city council & planning department needs to just drive past King road to Rocketship school at dismissal time & you can get a sense of the chaos traffic. It starts just by the corner of King & Los Suenos at 3pm when school is in session. They built a great charter school at the end of Los Suenos, but it causes the traffic to back up all the way down to King road!

If we don't stop this from happening, the quality of life in our neighborhood will be gone.

The city needs to look at other options to balance their budget. We paid good money for our homes, even extra for a view of the course. Unfortunately the city has repeatedly made it clear, since it's 'Alum Rock' neighborhood, they can get away with this. If this was in Willow Glen area, they would never try this. We need the city to explore other options:

- 1) convert the golf course into a park (which I believe has less maintenance than all the grass up keep?) this would help build a strong place for the community to gather & strengthen together. Research shows strong community building is better for fighting the gang problems vs high density house in an already gang infested area.
- 2) The city should also sell Hays Mansion vs golf course. Selling the mansion would still keep it Historically preserved but generate revenue from the sale vs loss if income to keep it up. That sale would not directly impact nor have a negative affect the lives of hundreds of individuals like with our golf course.
- 3) The city needs to keep their commitment to open space. Emma Prusch would roll over in her grave if she knew the plans for the precious open space she donated to the city to be sold once again.

I respectfully ask the City to work to protect our quality of life in Alum Rock and keep the open space on the golf course. Please do not create a big problematic neighborhood in your effort to balance the budget. We homeowners work very hard, pay taxes, volunteer in our community, and chose to live in Alum Rock. We need the City to make the right decision and preserve this precious open space.

**RESPONSE 30-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**31. RESPONSES TO COMMENTS FROM O. GLENN HERRELL AND STEPHANIE BLANKENSHIP, DATED AUGUST 8, 2011.**

**COMMENT 31-A:** We are writing to you regarding the proposed redevelopment of Rancho del Pueblo Golf Course. We have been members of the Almaden Senior golf group for over 5 years and have been using this course regularly for many years. In fact, Stephanie learned to play from the local course pro. Both of us enjoy the driving range, practice facilities and the course.

This course offers an ideal lay-out for anyone who wants to learn golf and/or improve their game. It is one of the few executive courses in the area that offers the challenge of longer par 3 holes and a par 4 hole. In addition, it is an affordable place to play and offers seniors a good venue to improve their health through exercise. Without this course, the Almaden Senior golf group will not have a comparable place to golf.

As long-time San Jose residents and taxpayers, we have looked forward to enjoying our local parks during our senior retirement years. It would be very unfortunate to lose a fine facility like Rancho del Pueblo to redevelopment. Therefore, we are writing to request the council preserve this course and vote against the redevelopment proposal.

**RESPONSE 31-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**32. RESPONSES TO COMMENTS FROM SAVE OUR TRAILS, DATED AUGUST 8, 2011.**

**COMMENT 32-A:** Save Our Trails: Connecting Santa Clara County Communities is a California Not-for-Profit Corporation whose mission is “To promote trails in Santa Clara County for the benefit and enjoyment of all people.” On behalf of Save Our Trails (SOT), I am writing to make you aware of a small error in the draft EIR (DEIR) for the Envision San Jose 2040 General Plan. This error is with respect to the path shown for the planned Three Creeks Trail.

After many months of deliberation, the Envision 2040 Task Force persuaded city staff to designate the entire right-of-way of the UPRR “Willow Glen Spur” as the path of the future Three Creeks Trail. However, the map on page 72 of Section 2 of the DEIR does not reflect this designation. This map (Figure 2.2-17, labeled “Proposed Street Topology”) shows the Three Creeks Trail proceeding southeast from a junction with the Los Gatos Creek Trail and ending at Minnesota Avenue. In accord with the decision reached by the Envision 2040 Task Force, it should be shown continuing to the east along the railroad right-of-way shown on the map, all the way to Senter Avenue, adjacent to Kelley Park.

We would appreciate it if you would correct this error, so the draft EIR corresponds to the actual Envision San Jose 2040 General Plan as proposed by the Task Force and as approved by the City Council.

**RESPONSE 32-A:** The City is currently seeking grant funding for the Three Creeks Trail Master Plan. The Master Plan will identify the final trail alignment for the 2.8-mile trail. Given that the trail master planning process is not yet complete and there may be final right-of-way issues to be resolved for the Three Creeks Trail, designating its right-of-way now would be premature.

**33. RESPONSES TO COMMENTS FROM EILEEN MAI, DATED AUGUST 8, 2011.**

**COMMENT 33-A:** Our family, residents at Hermocilla/King community, fully understand the current economic situation that the city is facing, the deficit and the need to raise revenue and cut spending. It is affecting our family as well. However, we are concerned about the plan to convert the golf course to residential housing for the following reasons. We would like to submit our comments to the planning committee and the city for consideration.

SELECTION

1. Why is this golf course chosen? What about other city-owned properties? Must it be one of the 3 city-owned golf courses? We know the city is losing money on golf courses but what about the other two city golf-courses? Are they making money (net income/loss including debt payments)? Or are they losing as much or more than Rancho del Pueblo? This is a smaller course (9-hole vs 18-hole at Los Lagos) and maybe less popular than the other, but at the same time, it also means smaller expenses and smaller debt payments comparing to the other golf courses.

2. Our understanding is that the two golf courses (Rancho and Los Lagos) were built not too long ago and raised capital via issuing bond(s). Why was they built then and is now on the chopping block, not too long after, even before much benefits are realized? Does it mean much of the money already spent will be wasted?

Open space and the golf course is nice for families, kids, the community, the environment, and also the home values. Even this area is next to the 101 freeway, the golf course creates a much-needed buffer for everyone. People walk around the neighborhood daily and really enjoy the open space. This golf course targets beginners, including kids. All of these benefits will be gone when this open space and the golf course is gone.

HOUSING

1. Is building more residential housing a sustainable and long-term solution at this economic time? Do we really need more houses?

2. Can the market handle more new houses when we got plenty of foreclosed houses and plenty of families “under-water” with their mortgages? Many people are waiting and hanging on to their houses since walking away mean they effectively realized the loss of their down-payment, which can be significant.

Housing is the reason that the whole country, including San Jose and our own family, got into this great recession. We’re still in the middle of a very serious recession, not out of it yet. Real estates in this area are among the low end of the market and price dropped significantly since 2008 and have not recovered. The increase supply of new homes will put additional pressure to an already depressed market. Building more houses at the wrong location might be a bad idea. Selling this golf-course does reduce the debt for the city but it brings worries and hardship to many existing residents. It also means the original project, that built this golf-course, is now considered short-sighted and the loss is realized.

## TRAFFIC

Can King road at this junction handle the additional traffic? Traffic and air pollution will increase significantly because many more people will use a limited number of roads to go in and out every day. The current community on Hermocilla/King is only about 200 single-family houses and this new plan is almost 3 times more than that (570 units). King/Story intersection was expanded not too long ago and it's already very busy, especially during peak hours. The exit ramp from/to 680 at both directions usually back up significantly during peak times, which can cause traffic hazards for drivers on the freeway. Any further expansion will only cause delay for residents, traffic jams, and additional expenses for the city and tax payers.

## CRIME

Crime will increase, simply because of the higher density of people. Alum Rock, East Side, 95116 is not the best neighborhood to start with. If it gets crowded with many more people crime will definitely increase.

The shooting/killing with 2 men died in August 2010 at the newly-built apartment (San Antonio Ct, next to 101 freeway) is a worrisome example. The developer got financial subsidies from the city of San José for low-income housing. Residents there did complain about the plan before it was built. But their voices went nowhere. We regularly hear siren, see police cars, see fire trucks coming into it from our house. From this example, we will do everything we can to prevent the same issue from happening to our neighborhood. Some highlights from the article from Mercury News:

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

“The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they've complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week.”

“Neighbors said they protested vehemently when the city planned the housing complex. But “it's tough to beat the city,” said Alfred Talamantes, president of the San Antonio Community Association. Another neighbor said auto burglaries are up, as are traffic problems and speeding.”

## SCHOOL

Can local schools that already have low test scores (Chavez, San Antonio) handle the additional number of children/students?

## DESIGN/PLANNING

1. Does the city have the list of potential/prospective buyers? Who are they and what are their plans for this property?
2. Why 570 units? Is there a tentative/suggested blue-print or plan available to the public?
3. Are 570 units: condos, townhouses or single-detached houses?

4. How many levels will it be? How close to the property line will the future buildings/structures be?
5. Since the golf-course has an L-shaped/U-shaped area, how will the access for this new resident community look like? Will access for cars, fire trucks, and police cars easy?
6. Will there be public streets or private streets for police patrol and public safety?
7. Will there be street connections to existing communities? Will it be a cul-de-sac or gated community?
8. Are there any open areas or community parks? How big are they and where are they located within the new community?
9. Is there a timeline that the developer/buyer must commit to (i.e. buy now, build later)?
10. Will there be limitations, commitments, restrictions for the developer to address public issues?

#### ALTERNATIVES

1. Are there any other alternatives instead of housing or selling?
2. What about a low-maintenance public park?
3. What about selling a portion for housing development and leaving the rest open space or a public park?
4. What about waiting for a few more years before any decision for this site is considered again?

**RESPONSE 33-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**34. RESPONSES TO COMMENTS FROM KHANH TO, DATED AUGUST 8, 2011.**

**COMMENT 34-A:** Our family, residents at Hermocilla/King community, fully understand the current economic situation that the city is facing, the deficit and the need to raise revenue and cut spending. It is affecting our family as well. However, we are concerned about the plan to convert the golf course to residential housing for the following reasons. We would like to submit our comments to the planning committee and the city for consideration.

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1. Why is this golf course chosen? What about other city-owned properties? Must it be one of the 3 city-owned golf courses? We know the city is losing money on golf courses but what about the other two city golf-courses? Are they making money (net income/loss including debt payments)? Or are they losing as much or more than Rancho del Pueblo? This is a smaller course (9-hole vs 18-hole at Los Lagos) and maybe less popular than the other, but at the same time, it also means smaller expenses and smaller debt payments comparing to the other golf courses.

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Open space and the golf course is nice for families, kids, the community, the environment, and also the home values. Even this area is next to the 101 freeway, the golf course creates a much-needed buffer for everyone. People walk around the neighborhood daily and really enjoy the open space. This golf course targets beginners, including kids. All of these benefits will be gone when this open space and the golf course is gone.

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1. Is building more residential housing a sustainable and long-term solution at this economic time? Do we really need more houses?

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## TRAFFIC

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“The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they've complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week.”

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8. Are there any open areas or community parks? How big are they and where are they located within the new community?
9. Is there a timeline that the developer/buyer must commit to (i.e. buy now, build later)?
10. Will there be limitations, commitments, restrictions for the developer to address public issues?

#### ALTERNATIVES

1. Are there any other alternatives instead of housing or selling?
2. What about a low-maintenance public park?
3. What about selling a portion for housing development and leaving the rest open space or a public park?
4. What about waiting for a few more years before any decision for this site is considered again?

**RESPONSE 34-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**35. RESPONSES TO COMMENTS FROM YVETTE VALENZUELA, DATED AUGUST 10, 2011.**

**COMMENT 35-A:** I'm resident of San Jose and active participant at La Raza Roundtable. I am adamantly opposed to the sale of Rancho Del Pueblo. Our community, especially our youth need a safe and positive way to stay busy. From my own witnessing the facility is always busy showing that community members, including youth are out enjoying themselves in a positive activity. I will be present at upcoming meetings and if a vote is allowed to San José residents I will take that opportunity to vote against it. East Side San Jose also deserves open spaces and driving ranges. We are an eclectic bunch and who enjoy "the better things in life" and it is confirmed by the attendance I see everyday on my way home from downtown San Jose to the area of King and Story where I reside. Rancho Del Pueblo is thriving with participants.

**RESPONSE 35-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**36. RESPONSES TO COMMENTS FROM PHIL TRUONG, DATED AUGUST 10, 2011.**

**COMMENT 36-A:** On August 17, 2011 We will have the community meeting with the San Jose City staff for the 31-acre Rancho Del Pueblo Golf Course could be a future development of the property with up to 570 residential units. We would like to against this proposal because :

\* Add more traffic and more noise on King Rd, Story Rd, 101 & 680 Freeway and our neighborhood with more 570 new homes everyday. And City does not plan to expand more lanes in King, Story and our neighborhood streets.

\* With more 570 new homes in the our neighborhood, City does not have plan to build more class, more school or more library and more a community recreational in our neighborhood.

\* With more 570 new homes in the our neighborhood will create more people, more cars will decrease emergency services, such as polices cars, fire cars and ambulances, to attend to resident's need and neighborhood crimes quickly. Our neighborhood will be inconvenience for the public services and unsafety.

City could not sell this land to a builder 570 new homes for the City's budget situations and place our neighborhood with many inconvenience & unsafety life and with high density housing and less the public services, more gangters...

City and builder would take money to walk away and leave us with more headaches and less & unsafety public services. This is not fair for our neighborhood.

**RESPONSE 36-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**37. RESPONSES TO COMMENTS FROM STEVE ROBLES, DATED AUGUST 10, 2011.**

**COMMENT 37-A:** I agree with what Phieu has written in his letter. We don't need more traffic. Our quality of life will suffer. We need more “green” space not less.

**RESPONSE 37-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**38. RESPONSES TO COMMENTS FROM JIMMY NGUYEN, DATED AUGUST 10, 2011.**

**COMMENT 38-A:** On August 17, 2011 We will have the community meeting with the San Jose City staff for the 31-acre Rancho Del Pueblo Golf Course could be a future development of the property with up to 570 residential units. We would like to against this proposal because:

\* Add more traffic and more noise on King Rd, Story Rd, 101 & 680 Freeway and our neighborhood with more 570 new homes everyday. And City does not plan to expand more lanes in King, Story and our neighborhood streets.

\* With more 570 new homes in the our neighborhood, City does not have plan to build more class, more school or more library and more a community recreational in our neighborhood.

\* With more 570 new homes in the our neighborhood will create more people, more cars will decrease emergency services, such as polices cars, fire cars and ambulances, to attend to resident's need and neighborhood crimes quickly . Our neighborhood will be inconvenience for the public services and unsafety.

City could not sell this land to a builder 570 new homes for the City's budget situations and place our neighborhood with many inconvenience & unsafety life and with high density housing and less the public services, more gangters...

City and builder would take money to walk away and leave us with more headaches and less & unsafety public services. This is not fair for our neighborhood.

**RESPONSE 38-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**39. RESPONSES TO COMMENTS FROM ROSE AMADOR, DATED AUGUST 10, 2011.**

**COMMENT 39-A:** I am writing to express my opposition to the proposed sale of Rancho del Pueblo Golf Course. This is undoubtedly, a loss of a unique community asset to a segment of our community that is most in need. The sale of the golf course further reduces accessibility of recreation access, as well as openspace, to the underserved communities.

San Jose has experienced an increasing gang presence. Much of this is due to the lack of stimulating activities for youth, both in the schools and in our communities. Programs such as “The First Tee of San Jose” develops youth through golf and impacts the lives of young people by providing educational programs that build character, instill life-enhancing values and promote healthy choices through the game of golf. The majority of youth participants maintain an “A” or “B” average in school.

Eliminating another scarce resource to the community will save a few dollars and put many more youth at risk of positive activities and role models. Ultimately, our entire community will suffer as a result of this short-sightedness.

I strongly urge the Council to consider the adverse impact on our community and to not sale Rancho del Pueblo Golf Course.

**RESPONSE 39-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**40. RESPONSES TO COMMENTS FROM SON NGUYEN, DATED AUGUST 12, 2011.**

**COMMENT 40-A:** Our family, residents at Hermocilla/King community, fully understand the current economic situation that the city is facing, the deficit and the need to raise revenue and cut spending. It is affecting our family as well. However, we are concerned about the plan to convert the golf course to residential housing for the following reasons. We would like to submit our comments to the planning committee and the city for consideration.

SELECTION

1. Why is this golf course chosen? What about other city-owned properties? Must it be one of the 3 city-owned golf courses? We know the city is losing money on golf courses but what about the other two city golf-courses? Are they making money (net income/loss including debt payments)? Or are they losing as much or more than Rancho del Pueblo? This is a smaller course (9-hole vs 18-hole at Los Lagos) and maybe less popular than the other, but at the same time, it also means smaller expenses and smaller debt payments comparing to the other golf courses.

2. Our understanding is that the two golf courses (Rancho and Los Lagos) were built not too long ago and raised capital via issuing bond(s). Why was they built then and is now on the chopping block, not too long after, even before much benefits are realized? Does it mean much of the money already spent will be wasted?

Open space and the golf course is nice for families, kids, the community, the environment, and also the home values. Even this area is next to the 101 freeway, the golf course creates a much-needed buffer for everyone. People walk around the neighborhood daily and really enjoy the open space. This golf course targets beginners, including kids. All of these benefits will be gone when this open space and the golf course is gone.

HOUSING

1. Is building more residential housing a sustainable and long-term solution at this economic time? Do we really need more houses?

2. Can the market handle more new houses when we got plenty of foreclosed houses and plenty of families “under-water” with their mortgages? Many people are waiting and hanging on to their houses since walking away mean they effectively realized the loss of their down-payment, which can be significant.

Housing is the reason that the whole country, including San Jose and our own family, got into this great recession. We’re still in the middle of a very serious recession, not out of it yet. Real estates in this area are among the low end of the market and price dropped significantly since 2008 and have not recovered. The increase supply of new homes will put additional pressure to an already depressed market. Building more houses at the wrong location might be a bad idea. Selling this golf-course does reduce the debt for the city but it brings worries and hardship to many existing residents. It also means the original project, that built this golf-course, is now considered short-sighted and the loss is realized.

## TRAFFIC

Can King road at this junction handle the additional traffic? Traffic and air pollution will increase significantly because many more people will use a limited number of roads to go in and out every day. The current community on Hermocilla/King is only about 200 single-family houses and this new plan is almost 3 times more than that (570 units). King/Story intersection was expanded not too long ago and it's already very busy, especially during peak hours. The exit ramp from/to 680 at both directions usually back up significantly during peak times, which can cause traffic hazards for drivers on the freeway. Any further expansion will only cause delay for residents, traffic jams, and additional expenses for the city and tax payers.

## CRIME

Crime will increase, simply because of the higher density of people. Alum Rock, East Side, 95116 is not the best neighborhood to start with. If it gets crowded with many more people crime will definitely increase.

The shooting/killing with 2 men died in August 2010 at the newly-built apartment (San Antonio Ct, next to 101 freeway) is a worrisome example. The developer got financial subsidies from the city of San José for low-income housing. Residents there did complain about the plan before it was built. But their voices went nowhere. We regularly hear siren, see police cars, see fire trucks coming into it from our house. From this example, we will do everything we can to prevent the same issue from happening to our neighborhood. Some highlights from the article from Mercury News:

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

“The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they've complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week.”

“Neighbors said they protested vehemently when the city planned the housing complex. But “it's tough to beat the city,” said Alfred Talamantes, president of the San Antonio Community Association. Another neighbor said auto burglaries are up, as are traffic problems and speeding.”

## SCHOOL

Can local schools that already have low test scores (Chavez, San Antonio) handle the additional number of children/students?

## DESIGN/PLANNING

1. Does the city have the list of potential/prospective buyers? Who are they and what are their plans for this property?
2. Why 570 units? Is there a tentative/suggested blue-print or plan available to the public?
3. Are 570 units: condos, townhouses or single-detached houses?

4. How many levels will it be? How close to the property line will the future buildings/structures be?
5. Since the golf-course has an L-shaped/U-shaped area, how will the access for this new resident community look like? Will access for cars, fire trucks, and police cars easy?
6. Will there be public streets or private streets for police patrol and public safety?
7. Will there be street connections to existing communities? Will it be a cul-de-sac or gated community?
8. Are there any open areas or community parks? How big are they and where are they located within the new community?
9. Is there a timeline that the developer/buyer must commit to (i.e. buy now, build later)?
10. Will there be limitations, commitments, restrictions for the developer to address public issues?

#### ALTERNATIVES

1. Are there any other alternatives instead of housing or selling?
2. What about a low-maintenance public park?
3. What about selling a portion for housing development and leaving the rest open space or a public park?
4. What about waiting for a few more years before any decision for this site is considered again?

**RESPONSE 40-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**41. RESPONSES TO COMMENTS FROM GREAT OAKS WATER COMPANY, DATED AUGUST 12, 2011.**

**COMMENT 41-A:** The following are the comments of Great Oaks Water Company (Great Oaks) to the Envision San Jose 2040 General Plan (Plan). Should you have any questions, please contact the undersigned.

General Comments

These comments are primarily directed to water supply issues and, more particularly, to the Water Supply Assessments included in Appendix I of the Plan. But it is also necessary to comment on the speculative and theoretical nature of the Plan itself.

The City of San Jose has engaged in various planning processes over the years. Among those efforts have been plans detailing proposed development in the Coyote Valley area, none of which have come to fruition or even gone beyond the drawing board. The Plan includes proposed development in the Coyote Valley area again. If history is any indication of eventual success in planning activities, the Plan's proposals for Coyote Valley are not likely to become reality.

In the context of Water Supply Assessments for the Plan, the probably that the Plan will not mirror eventual reality must be considered. Water Supply Assessments for the Coyote Valley area submitted for the Plan will most likely be completely obsolete when or if development takes place in Coyote Valley. The law will require new Water Supply Assessments in that event. Great Oaks will provide any required Water Supply Assessments at that time.

**RESPONSE 41-A:** Since Great Oaks Water Comp.

**COMMENT 41-B:** Comments to Plan Discussion of Water Utility Services

The Plan's discussion of groundwater basins (beginning at page 324) is incorrect. According to the California Department of Water Resources, there is no Coyote Valley Sub-basin of the Santa Clara Valley Groundwater Basin, yet the Plan makes specific reference to a Coyote Valley Sub-basin.

Much of the Plan is based upon Urban Water Management Plans that were prepared for 2005 and are now obsolete. Great Oaks' 2010 Urban Water Management Plan is attached hereto and incorporated into these comments.

The Plan's discussion of the regulatory framework (beginning at page 634) makes no reference to the California Public Utilities Commission (CPUC) which regulates the vast majority of the water service currently provided within the City of San Jose. This omission is significant, as the CPUC is increasing its presence in areas pertinent to the Plan, including water conservation.

**RESPONSE 41-B:** The Water Supply Assessments for the project were completed in 2010 prior to the adoption of the Santa Clara Valley Water District's (SCVWD) Urban Water Management Plan (UWMP) on May 24, 2011. The terminology used to describe the local groundwater subareas was consistent with the SCVWD's 2005 UWMP. Descriptions of the groundwater subareas have since been revised as shown in Section 5 Revisions to the Text of the Draft PEIR.

The environmental analysis for the General Plan began in 2008. The Water Supply Assessments prepared for the project were based on the current (2005) UWMP's at the time those analyses were prepared. Relevant changes to these analyses from the current 2010 UWMPs are shown in Section 5 Revisions to the Text of the Draft PEIR.

Discussion of the CPUC has been added to Section 5 Revisions to the Text of the Draft PEIR.

**COMMENT 41-C:** Comments to City of San Jose Water Supply Assessment

Service Area Issues

The Plan contemplates development within Great Oaks' service area. It is and will be unlawful for the City to provide water service in Great Oaks' service area. Any such action would likely result in significant and prolonged litigation. The City's Water Supply Assessment does not address these factors.

The Water Supply Assessment for the City of San Jose does not address the financial condition of the City itself, which is and will likely continue to be a major obstacle to expansion of the City's Municipal Water System. The minimal water supply assets the City currently has in place are admittedly insufficient to provide adequate water supplies for development in Coyote Valley. The failure to address the fiscal issues is not insignificant.

Great Oaks' 2010 Urban Water Management Plan (UWMP) (attached and incorporated into these comments by reference) evidences Great Oaks' ability to provide water service to the areas of proposed development under Plan scenarios.

**RESPONSE 41-C:** The PEIR and Water Supply Assessments address the availability of water supply to serve planned development in all of San José, including Coyote Valley. As noted in the San José Municipal Water System's WSA, no determination of which water retailer will serve future development in Coyote Valley has been made. Great Oaks' opinion regarding fiscal considerations of infrastructure expansion are noted, however since no determination of which water retailer would serve the Coyote Valley has been made, the inclusion of contracts or estimates of capital outlays for this area is premature which is consistent with Great Oaks Comment 41-A. As mentioned in Comment 41- A, various development plans have been proposed in Coyote Valley over a number of years. A Water Supply Assessment for a future specific development project in Coyote Valley could be required based on its size in conformance with Senate Bill 610.

On June 23, 2009 the City of San José sent a letter to Great Oaks Water Company requesting that they prepare a Water Supply Assessment for the Envision San José 2040 General Plan Update. Staff followed-up on the June 2009 request with subsequent requests during meetings and correspondence by letter and email with Great Oaks Water Company from August 2009 through May 2010. Since Great Oaks Water Company did not provide the requested Water Supply Assessment, City of San José Planning staff prepared an assessment of water demand for the planned growth capacity within the Great Oaks Water Company service area and compared that demand with projected water supply from Great Oaks Water Company's 2005 Urban Water Management Plan. In August 2011 City of San José Planning staff revised the earlier water demand analysis and comparison of projected supply based on Great Oaks Water Company's recently completed 2010 Urban Water Management Plan.

**COMMENT 41-D:** Non-Potable Water Issues

The City’s Water Supply Assessment appropriately states that recycled water use for irrigation is not planned for Coyote Valley due to environmental concerns. Those environment concerns are not limited to the use of recycled water for irrigation in Coyote Valley. Environmental concerns exist for all uses of recycled water to the extent that the recycled water will contaminate groundwater supplies if permitted to enter surface water or groundwater supplies. Recent experiments on the expanded use of recycled water indicate a very high risk of groundwater contamination. The City’s Water Supply Assessment inadequately addresses this important environmental and water supply issue.

**RESPONSE 41-D:** The relative ease of water percolation in areas of San José and the potential for the introduction of contaminants to groundwater are discussed in Section 3.7.3.3. of the PEIR under the subheading *Groundwater Quality*. Additional text has been added to refer to the analysis in the SCVWD’s Groundwater Vulnerability Study (refer to Section 5 Revisions to the Text of the Draft PEIR). Under Policy MS-20.2 and MS-20.3, future development in areas with a high degree of aquifer vulnerability will be required to be designed and operate in a manner that does not adversely impact groundwater quality. Policies MS-20.2 and MS-20.3 are also meant to address protecting groundwater in all areas where groundwater percolation occurs.

**COMMENT 41-E:** Water Supply

Highlighting the inadequacy of the City’s Water Supply Assessment is the discussion of Coyote Valley water supplies. The groundwater wells referenced cannot provide adequate water supplies for the Plan. More wells would be required and the financial ability of the City to fund expansion of its Coyote Valley water system assets is questionable. No infrastructure currently exists to supply treated water in Coyote Valley. Expanded use of recycled water presents a high environmental risk. And any expanded use of recycled water in Coyote Valley would require massive financial investment by government agencies that presently lack the necessary financial resources for that investment.

**RESPONSE 41-E:** The Program EIR and Water Supply Assessments address the availability of water supply to serve planned development in all of San José, including Coyote Valley. No determination of which water retailer will serve Coyote Valley has been made. The construction and operation of additional water supply facilities, consistent with the policies contained in the General Plan, is not anticipated to result in additional significant environmental impacts. CEQA does not require fiscal analysis as part of the preparation of an EIR. As noted in the San José Municipal Water Service’s Water Supply Assessment for the proposed General Plan no recycled water use was assumed to serve Coyote Valley.

**COMMENT 41-F:** The City’s Water Supply Assessment makes reference to the Santa Clara Valley Basin and two so-called sub-basins located therein, the Santa Clara Sub-basin and the Coyote Valley Sub-basin. The California Department of Water Resources does not recognize the existence of a Coyote Valley Sub-basin, but instead includes groundwater in Coyote Valley to be within the Santa Clara Sub-basin of the Santa Clara Valley Basin. The City’s Water Supply Assessment is factually inaccurate in this regard and is apparently based upon obsolete and outdated information.

**RESPONSE 41-F:** Refer to Response 41-B.

**COMMENT 41-G:** Reference is made in the City’s Water Supply Assessment to the need for additional Coyote Valley wells to provide the necessary water supplies for the Plan. Reference is also made to the issue of water rights and that the Santa Clara Valley Groundwater Basin is not an adjudicated basin. To the extent that new wells established by the City would interfere with Great Oaks water supply, it may be necessary to initiate basin adjudication proceedings. The City’s Water Supply Assessments fails to take this factor into account.

**RESPONSE 41-G:** The Water Supply Assessments prepared for the General Plan analyzed the availability of groundwater within the Santa Clara Plain and Coyote Valley subareas to serve future development based on natural and managed recharge processes. Assuming the need for adjudication proceedings for the Santa Clara Valley Groundwater Basin, which is currently relied upon and has also been used by multiple public and private entities for many years without the need for adjudication, would be speculative. The Program EIR makes no determination regarding which local entity would serve future development locations where service area conflicts exist but rather whether or not sufficient water supply is available to serve planned development.

**COMMENT 41-H:** Water Resources Management

The City’s Water Supply Assessment makes no mention of the probable changes to the Santa Clara Valley Water District’s groundwater recharge facilities in Coyote Valley. These likely changes may negatively affect the City’s existing wells in that region. This omission makes the City’s Water Supply Assessment inadequate.

**RESPONSE 41-H:** It’s not clear what SCVWD recharge facilities in Coyote Valley that the comment refers to. As discussed in Comment I-7, “natural recharge takes place in creeks and areas of the County with appropriate soil characteristics to allow water to infiltrate to the groundwater basin.” As discussed in the SCVWD’s *Groundwater Vulnerability Report* (2010), Coyote Creek is a losing stream throughout the year, whereby surface water percolates through the stream bed and recharges local groundwater. Fisher Creek flows north along the western portion of the Coyote Valley. During conditions of high groundwater, Fisher Creek receives groundwater discharge from much of the Coyote Valley floor. Fisher Creek joins Coyote Creek near Coyote Narrows, where it exits the Coyote Valley subarea. As part of the Coyote Valley Research Park project, a detention basin was constructed west of Coyote Creek and will remain available for percolation of surface waters from upstream areas of Coyote Valley. Although much of the area east of Santa Teresa Boulevard is approved for development, future stormwater design requirements for low impact development will need to address maintaining pre-development runoff and water quality in accordance with regulations in place at the time of future development. Proposed General Plan Policies related to the sustainable management of water supplies include MS-17.2 (refer to Section 3.10.3.1 Water Supply of the Draft PEIR).

The commentor provided insufficient detail to determine what groundwater recharge facility changes in Coyote Valley would negatively affect the City’s existing wells.

**COMMENT 41-I:** Comments to San Jose Water Company Water Supply Assessment

The Water Supply Assessment submitted by San Jose Water Company (SJWC) is generally consistent with its 2010 Urban Water Management Plan. As SJWC does not position itself as a water

service provider for the Coyote Valley or any other portion of Great Oaks' service area, Great Oaks has no additional comments for SJWC's Water Supply Assessment.

**RESPONSE 41-I:** The comment is acknowledged.

**COMMENT 41-J:** Closing Comments

The Plan is the most recent in a series of plans for the City of San Jose. When, or if, elements of the Plan affecting Great Oaks come to fruition, Great Oaks will provide updates to its ability to provide water service.

**RESPONSE 41-J:** The comment is acknowledged.

**42. RESPONSES TO COMMENTS FROM TOMMY TRAN, DATED AUGUST 12, 2011.**

**COMMENT 42-A:** On August 17, 2011 we will have the community meeting with the San Jose City staff for the 31-acre Rancho Del Pueblo Golf Course could be a future development of the property with up to 570 residential units. We would like to against this proposal because:

\* Add more traffic and more noise on King Rd, Story Rd, 101 & 680 Freeway and our neighborhood with more 570 new homes everyday. And City does not plan to expand more lanes in King, Story and our neighborhood streets.

\* With more 570 new homes in the our neighborhood, City does not have plan to build more class, more school or more library and more a community recreational in our neighborhood.

\* With more 570 new homes in the our neighborhood will create more people, more cars will decrease emergency services, such as polices cars, fire cars and ambulances, to attend to resident's need and neighborhood crimes quickly. Our neighborhood will be inconvenience for the public services and unsafety.

City could not sell this land to a builder 570 new homes for the City's budget situations and place our neighborhood with many inconvenience & unsafety life and with high density housing and less the public services, more gangters...

City and builder would take money to walk away and leave us with more headaches and less & unsafety public services. This is not fair for our neighborhood.

**RESPONSE 42-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**43. RESPONSES TO COMMENTS FROM BOB LEININGER, DATED AUGUST 12, 2011.**

**COMMENT 43-A:** I have the following comments on this Draft Program EIR as it pertains to the proposed closure and residential development of this golf course property.

- The City is moving forward with implementation actions, including this EIR, with inadequate public input regarding alternatives to closure. I am not aware of any meaningful public outreach or project scoping in connection with the shutdown of this golf course. The City needs to seek community input before a decision on policy direction and that should be completed with a report back to the City Council before any further environmental review.

**RESPONSE 43-A:** Subsequent to submittal of these comments, two communitywide meetings have been held at locations near the golf course (Mayfair Community Center on August 17 and Mexican Heritage Plaza September 8, 2011) to gather public input and answer questions from the community. Notices were mailed specifically to area residents, tenants and property owners within 1,000 feet of the Rancho del Pueblo golf course. Between 200 to 300 people have attended each of these meetings, which were conducted in both English and in Spanish. A summary of comments from the August 17th meeting was made available in Spanish, English and Vietnamese at the September 8th community meeting. Approximately a dozen smaller informational meetings have also been held with individual stakeholder groups between mid-August to mid-September, including discussions at several existing neighborhood association meetings. An additional communitywide meeting has been scheduled for September 21, 2011 and will be held in western San Jose. Additional public input will also be encouraged at the Planning Commission public hearing on this EIR and the Draft Envision 2040 General Plan and Residential Options, scheduled for September 28, 2011.

**COMMENT 43-B:** The guiding concept in analyzing the environmental impacts seems to be that since development capacity is being reallocated from other sites in the general area, there will be minor impacts by allowing additional 600+/- housing units on this site.

The environmental work completed when the present plans were approved was very clear about the negative impacts on the Eastside communities by going beyond the current densities. The traffic and air quality impacts, and lack of open space and recreation opportunities in this area of San Jose were well documented. To now say that the environmental impacts are much less and the surrounding neighborhood can somehow deal with the added 600+/- DU is at best inconsistent with the analysis already done. The community was promised relief from the effects of excessive residential development, not more of the same.

The reallocation approach is at odds with the City's goal of fostering higher density development along major transportation lines. The sites from which capacity is being shifted are identified on page 122 of the Draft PEIR as being on Santa Clara Street and Alum Rock Avenue. These corridors are served with major mass transit (or are planned to be so served, i.e. light rail, BART, etc.), and the actual reduction of residential capacity would seem problematic.

The Draft PEIR states, on page 120, that new infill development designations will help to establish new neighborhoods within a cohesive urban form, or to facilitate new infill development within an existing area that does not have an established cohesive urban character. This is a misunderstanding of the integral role of this golf course in the Eastside Community. Rancho del Pueblo has become a

major part of the urban fabric, located as it is between the commercial area of King and Story and the Mexican Heritage Gardens to the north on Alum Rock Avenue. This golf course has helped to establish a cohesive urban character for the area and is recognized as such by the residents.

Why does more residential development, in an area that already has numerous higher density projects, take precedence over maintaining a reasonable amount of open space and recreation?

How will the additional 600+/- units, with perhaps as many as 2,000 new residents, impact the remaining park/open space serving the neighborhood?

The EIR document should make note of the loss of golf facilities in the Eastside over the past few years. Starting with the closure of the 18-hole El Rancho Verde course and driving range on McKee Road in the late 1960s (also for an apartment project), the area has more recently experienced the closure of the 36 hole Pleasant Hills courses on White Road. This property will almost certainly be under pressure for residential development once the current housing market conditions improve. It should also be noted that the Rancho del Pueblo site originally had 18 holes with a driving range.

Please enter this letter as part of the Program Draft EIR process. I expect to have additional comments at a later time and will submit those before the hearing dates for the EIR and General Plan.

**RESPONSE 43-B:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**44. RESPONSES TO COMMENTS FROM BART THIELGES, DATED AUGUST 13, 2011.**

**COMMENT 44-A:** I understand that the latest update to the general plan does not consider the improvement of Lincoln Ave. to bring it up to the current standards of accommodating all street users. Currently Lincoln is extremely challenging to bicyclists due to the fact that the rightmost lane is rather narrow and runs aside busy parallel parking. The only way to safely cycle through Lincoln without risking being doored by a parked car is to ride near the center of the lane. Not only is this an uncomfortable lane position for most cyclists, it also takes the entire lane, slowing traffic behind.

A four to three lane conversion on Lincoln would be a huge improvement. That's because such a conversion would really create five lanes on Lincoln: two bike lanes, two auto lanes, and an shared center left turn lane. That conversion would increase capacity on Lincoln because more people would feel comfortable riding bicycles through this important part of the city's street network.

Cyclists have few alternatives to Lincoln. Bird and Meridian are the next closest north-south streets that span both the Los Gatos Creek and I-280. Both of those streets are also challenging to cyclists. Opening Lincoln to the average bicyclist would make it profoundly easier to bike through Willow Glen and beyond.

I ride Lincoln daily. It is easily the most difficult mile of my twelve mile commute. Other neighbors and cyclists have expressed the same feeling. An important street like Lincoln should be accessible to all cyclists, not only those with nerves of steel. I urge you to reconsider adding a four to three lane conversion of Lincoln to the Envision 2040 document.

**RESPONSE 44-A:** Please refer to Master Response A: Designation of Lincoln Avenue as a Main Street, which is at the beginning of Section 4 Responses to Comments.

**45. RESPONSES TO COMMENTS FROM CARRIE JENSEN, DATED AUGUST 14, 2011.**

**COMMENT 45-A:** First off, I would like to commend you on the Envision 2040 General Plan. This revision makes a dramatic shift toward sustainable land-use policy, and I believe it will create a city that citizens will be proud to call home. I am particularly happy to see the overarching changes in transportation policy that shift from car-centric systems to ones that equally support motorists, pedestrians, cyclists, and public transit. I am also happy about the more stringent riparian setback guidelines and the urban growth boundary. Overall you have developed an ambitious and truly impressive vision for our city; however, I do have a few comments regarding stormwater management.

I am generally concerned that the environmental impacts of stormwater runoff are not being sufficiently mitigated. I understand that the City is required to comply with the NDPES Municipal Regional Stormwater Permit (MRP), and that the EIR Appendix G, Hydrology and Water Quality Report states that the City's compliance with the provisions of this permit mitigate stormwater impacts. However, I feel that the City could do more to mitigate stormwater runoff and have the following comments and suggested revisions to the plan:

MRP provision C.3.A.I(8) states, “Revise, as necessary, General Plans to integrate water quality and watershed protection with water supply, flood control, habitat protection, groundwater recharge, and other sustainable development principles and policies (e.g., referencing the Bay-Friendly Landscape Guidelines).” Although Appendix G does mention San Jose's Green Building Policies, which include installation of water efficient fixtures and landscaping, minimization of hardscape, and use of drought tolerant native species, the Bay-Friendly Landscape Guidelines are more detailed and include many additional strategies that reduce stormwater pollution impacts, such as integrated pest management. I suggest that the General Plan be revised to include the Bay-Friendly Landscape Guidelines or that the Green Building Policy be revised to include them.

**RESPONSE 45-A:** In February 2008, the City of San José was one of the Charter Signatories to the 7 Principles of Bay-Friendly Landscaping & Gardening (City Council Resolution 74231). The City recognizes that its participation in the Bay-Friendly Landscaping and Gardening Coalition provides regional resources that can be used to help San José support City goals such as pollution prevention through integrated pest management, water conservation, weed abatement, and waste reduction through landscaping operations. Action MS-18.11 in the proposed General Plan provides for the City to “Adopt guidelines or ordinances that encourage or require Bay-friendly, water efficient design, landscape and irrigation within San José.

**COMMENT 45-B:** “Greenstreet” stormwater management strategies should be considered for incorporation whenever streets are redeveloped. For examples of these concepts see Portland's website: <http://www.portlandonline.com/bes/index.cfm?c=34598> and San Mateo County Design Guidelines: [http://www.flowstobay.org/ms\\_sustainable\\_streets.php](http://www.flowstobay.org/ms_sustainable_streets.php). I realize that the City may be disinclined to include these in the general plan because of unknown cost factors; however, this is the time to develop the vision for our future. A sustainable city should include a robust plan for incorporating stormwater back into our urban watershed. This is an important part of improving our water quality and reconnecting the urban population with the hydrologic cycle.

I suggest revising Goal MS-3 - Water Conservation and Quality as follows:

- Policy: Promote the use of integrated pest management.
- Action: Update the Green Building Ordinance to include Bay-Friendly Landscaping Guidelines.
- Action: Develop programs to educate the community on stormwater pollution prevention landscaping strategies (i.e. Low Impact Development strategies), such as green roofs, landscape-based treatment measures, pervious hardscape materials, and other stormwater management practices to reduce water pollution.

I suggest revising Goal MS-3 - Water Conservation and Quality as follows:

- Policy: Encourage residents to incorporate Low Impact Development strategies into their landscapes.
- Action: Develop programs that encourage individuals or businesses to complete low impact development retrofits for their properties through community outreach programs and incentives such as tax credits, financing opportunities or other means. (This is similar to Green Building Policy MS-1.9. For examples of rebate programs, see Palo Alto's Stormwater Rebate Program: [http://www.cityofpaloalto.org/depts/pwd/flood\\_storm/stormwater\\_rebates/default.asp](http://www.cityofpaloalto.org/depts/pwd/flood_storm/stormwater_rebates/default.asp))

I suggest revising Goal TR - 9 Tier I Reduction of Vehicle Miles Traveled as follows:

- TR - 1.13: “Reduce vehicle capacity on streets with projected excess capacity by reducing either the number of travel lanes or the roadway width, and use remaining public right-of-way to provide wider sidewalks, bicycle lanes, transit amenities and/or landscaping integrated with stormwater management systems. Establish criteria to identify roadways for capacity reduction (i.e. road diets) and conduct engineering studies to determine implementation feasibility and develop implementation strategies.

Once again I commend you on the Envision 2040 General Plan, and I thank you for considering my comments.

**RESPONSE 45-B:** The letter writer’s recommendations regarding the content of proposed General Plan policies and actions are noted. Several of these recommendations are addressed in policies or actions in other sections of the proposed General Plan. For example, integrated pest management and landscaping is addressed in Action MS-5.8 “Revise landscaping specifications to align with state recommended guidelines that incorporate Integrated Pest Management and to support use of mulch and compost” and education related to stormwater quality is called for in Policy ER-8.9 “Partner with public, private, and non-profit agencies on public outreach and education on the importance of responsible stormwater management.” The comments do not raise any questions about the adequacy of the PEIR.

**46. RESPONSES TO COMMENTS FROM CELIA POON, DATED AUGUST 14, 2011.**

**COMMENT 46-A:** We want to express our opposition against the city’s plan to replace the Rancho del Pueblo golf course to build more houses. Some of the immediate impacts will be:

1. Traffic, noise, and air pollution will increase significantly because many more people will use a limited number of lanes to go in and out every day. The current community on Hermocilla/King has 200 single-family houses. This plan has 570 units (almost 3 times more). King/Story intersection was expanded recently and it is already very busy. The exit rams from/to 680 at both directions back up significantly during peak times, which can cause traffic hazards for drivers on the freeway.

2. Crime will increase simply because of the higher density of people. If it gets crowded with many more people, crime will increase. The shooting with two men died in August 2010 at the newly built apartment (San Antonio Ct, next to Freeway 101) is a worrisome example. Mercury News reported this crime:

“The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they’ve complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week.”

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

3. Quality of life and public services will be negatively affected. We do not need more houses in this crowded area. New homes will need more schools, teachers, police officers, fire-fighters, which the city might not have the money for. This plan will decrease and slow down emergency services, such as police cars, fire trucks, ambulances to our community.

As responsible taxpayers and concerned citizens, we believe there are other options instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

**RESPONSE 46-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**47. RESPONSES TO COMMENTS FROM NANCY HICKEY, DATED AUGUST 14, 2011.**

**COMMENT 47-A:** I do not believe that there is a workable enough site in the plan for the hospital services that need to be reinstated in the downtown core.

**RESPONSE 47-A:** It is not clear what the letter writer is referring to. The former San José Hospital site on E. Santa Clara Street in Downtown is still designated for *Public/Quasi-Public* uses under the proposed General Plan update. Currently, there are no plans by public or private entities to build a new hospital Downtown.

**48. RESPONSES TO COMMENTS FROM PHIEU TRUONG, DATED AUGUST 14, 2011.**

**COMMENT 48-A:** We want to express our opposition against the city’s plan to replace the Rancho del Pueblo golf course to build more houses. Some of the immediate impacts will be:

1. Traffic, noise, and air pollution will increase significantly because many more people will use a limited number of lanes to go in and out every day. The current community on Hermocilla/King has 200 single-family houses. This plan has 570 units (almost 3 times more). King/Story intersection was expanded recently and it is already very busy. The exit rams from/to 680 at both directions back up significantly during peak times, which can cause traffic hazards for drivers on the freeway.

2. Crime will increase simply because of the higher density of people. If it gets crowded with many more people, crime will increase. The shooting with two men died in August 2010 at the newly built apartment (San Antonio Ct, next to Freeway 101) is a worrisome example. Mercury News reported this crime:

“The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they’ve complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week.”

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

3. Quality of life and public services will be negatively affected. We do not need more houses in this crowded area. New homes will need more schools, teachers, police officers, fire-fighters, which the city might not have the money for. This plan will decrease and slow down emergency services, such as police cars, fire trucks, ambulances to our community.

As responsible taxpayers and concerned citizens, we believe there are other options instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

**RESPONSE 48-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**49. RESPONSES TO COMMENTS FROM PHU TRAN, DATED AUGUST 14, 2011.**

**COMMENT 49-A:** On August 17, 2011 we will have the community meeting with the San Jose City staff for the 31-acre Rancho Del Pueblo Golf Course could be a future development of the property with up to 570 residential units. We would like to against this proposal because:

\* Add more traffic and more noise on King Rd, Story Rd, 101 & 680 Freeway and our neighborhood with more 570 new homes everyday. And City does not plan to expand more lanes in King, Story and our neighborhood streets.

\* With more 570 new homes in the our neighborhood, City does not have plan to build more class, more school or more library and more a community recreational in our neighborhood.

\* With more 570 new homes in the our neighborhood will create more people, more cars will decrease emergency services, such as polices cars, fire cars and ambulances, to attend to resident's need and neighborhood crimes quickly. Our neighborhood will be inconvenience for the public services and unsafety.

City could not sell this land to a builder 570 new homes for the City's budget situations and place our neighborhood with many inconvenience & unsafety life and with high density housing and less the public services, more gangters...

City and builder would take money to walk away and leave us with more headaches and less & unsafety public services. This is not fair for our neighborhood.

**RESPONSE 49-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**50. RESPONSES TO COMMENTS FROM TAK POON, DATED AUGUST 14, 2011.**

**COMMENT 50-A:** We want to express our opposition against the city’s plan to replace the Rancho del Pueblo golf course to build more houses. Some of the immediate impacts will be:

1. Traffic, noise, and air pollution will increase significantly because many more people will use a limited number of lanes to go in and out every day. The current community on Hermocilla/King has 200 single-family houses. This plan has 570 units (almost 3 times more). King/Story intersection was expanded recently and it is already very busy. The exit rams from/to 680 at both directions back up significantly during peak times, which can cause traffic hazards for drivers on the freeway.

2. Crime will increase simply because of the higher density of people. If it gets crowded with many more people, crime will increase. The shooting with two men died in August 2010 at the newly built apartment (San Antonio Ct, next to Freeway 101) is a worrisome example. Mercury News reported this crime:

“The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they’ve complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week.”

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

3. Quality of life and public services will be negatively affected. We do not need more houses in this crowded area. New homes will need more schools, teachers, police officers, fire-fighters, which the city might not have the money for. This plan will decrease and slow down emergency services, such as police cars, fire trucks, ambulances to our community.

As responsible taxpayers and concerned citizens, we believe there are other options instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

**RESPONSE 50-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**51. RESPONSES TO COMMENTS FROM TERRI BALANDRA, DATED AUGUST 14, 2011.**

**COMMENT 51-A:** I have attended & participated in many of the Envision Task Force meetings and workshops over the years. After reviewing this Draft document, I have the following questions. (I have referenced item & page #s)

Questions:

1) Summary, page 11 & 12: Transportation Impacts, Mitigation & Avoidance Measures  
Impact TRANS-1, 3, 4, & 5: Questions:

- Will there be “transit triggers” that must be met by VTA, BEFORE development will proceed, in various high-density designated areas?
- Once high-density developments are built & occupied, how will the new Urban Village function without adequate transit in place? – and without the local roads and intersections having anymore widening capacity?
- How will this transit “in-between time” affect the desirability & value of the new Neighborhood Village? – along with the adjacent existing neighborhood community?

**RESPONSE 51-A:** The proposed *Envision San José 2040 General Plan* does not contain “transit triggers” because transit planning is the responsibility of the VTA not the City of San José, and the City does not have the authority to hold the transit district to any kind of trigger. The intent of the Task Force was to locate proposed Urban Villages on major roadways with existing and planned transit facilities. The General Plan’s proposed actions include working with VTA to increase transit services, frequency, and reliability along major corridors (refer to Policies TR-3.5 and TR-12.6). The proposed Plan includes a policy that would restrict the conversion of existing employment lands to residential use to coincide with the construction of the Five Wounds BART station (Policy LU-6.1) as a measure to protect the City’s near-term employment lands capacity.

**COMMENT 51-B:** 2) Summary, page 16, Significant Impact, “Unavoidable Cumulative Impact”, Cumulative Impacts, Impacts C-TRANS-2 & Impact C-NV-3: Question:

- Without an efficient operating transit system in place BEFORE a development occurs, how will the noise levels from increased car traffic from the high-density development affect the desirability and livability of Neighborhood Villages?

**RESPONSE 51-B:** The City’s standard for interior noise levels in residences and other sensitive uses will ensure sensitive interior spaces maintain a 45 dBA DNL with planned development through 2035. For outdoor activity areas in single- and multi-family development the exterior noise objective is 60 dBA DNL. The City’s traffic model accounts for future traffic levels and associated noise levels, and was used to prepare the analysis in Section 3.3 Noise and Vibration. Noise levels from additional traffic in the City as a result of the *Envision San José 2040 General Plan* are discussed in Section 3.3.

**COMMENT 51-C:** 3) Known Areas of Controversy, Summary, pg 26, Will San Jose form an Design Standards Committee or/and an Urban Design Standards Committee which will oversee how new developments mesh together with the adjoining community – before plans are sent for approval to the Planning Commission or City Council?

- How can the community adjoining a Neighborhood Village, be assured of a gradual “transition zone” – regarding heights, setbacks, & land use that border their homes?

**RESPONSE 51-C:** Most residential development within each Urban Village will be required to conform to an Urban Village Plan prepared prior to approval. The proposed Plan includes provisions for “Signature Projects” which may proceed ahead of preparation of an Urban Village plan, provided that they conform to specified General Plan urban design and land use policies. The Urban Village planning process will allow the adjoining community to participate in creation of appropriate standards for that specific Urban Village, including heights, setbacks, and allowed uses. In the event a Signature project is proposed within an Urban Village prior to completion of an Urban Village Plan, the review process for the project will include a substantive opportunity for input by interested community members (Policy IP-5.10). Community meetings and public hearings before the Director of Planning, Planning Commission, and City Council are the appropriate venues for citizens to make their concerns known regarding proposed projects in the City.

**COMMENT 51-D:** 4) Employment Land Areas, Planned Communities & Specific Plan Areas, Section 2, page 38 & 39

- Will the Preservation of Employment Lands Policy go away with this new General Plan? If so, What mechanism is in place to protect the Neighborhood Village Plans? If the official Employment Lands Policy is gone, how can the community be assured that a Neighborhood Village Plan concept will be adhered to? – Without “conversions” taking place, as in the past, with heavy lobbying of our City Council Members by Development Interests (Developers, Unions, & lobbyists)?
- Doesn’t it just take 6+ City Council votes to vote in a “conversion”, and change the Zoning - from Employment/Commercial Lands – to Housing, as in the past? How can this City’s residents be assured that this practice won’t keep perpetuating – thus destroying the “mix” of each Neighborhood Village? How will each individual Neighborhood Village Plan stay intact? – and not be compromised by the heavy lobbying of development interest on City Council Members?
- Are there safeguards in place to assure the community that a mixed-use development will really have a “commercial” part? – and that it will not be converted to an even denser housing project, down the road, because the Developer no longer feels it’s profitable? ... or, just doesn’t want to be bothered with the commercial piece? How can the community rest assured that the original presentation of a mixed-use development to the community to get our approval, doesn’t end up as “something different”?
- On top of page 39, it is explained that there are developed Specific Plans in different communities that explain the community stakeholder’s “vision” for their specific area. The Midtown Specific Plan specifically stated that there would be no development over 9 stories high, yet in 2010, the three Ohlone Towers, (approx 145 ft high), were approved over the protesting community who originally developed the Midtown Specific Plan. How can the community be assured that these Neighborhood Village Plans cannot be altered by Development lobbyists – pressuring our City Council, by a simple 6+ vote from our City Council?

**RESPONSE 51-D:** The intent of the Employment Lands Policy has been incorporated into the *Envision San José 2040 General Plan* through Policies LU-6.1 to LU-6.3 and IP-3.4 which prohibit the conversion of light and heavy industrial lands to non-industrial uses, prohibit the encroachment of non-industrial uses into industrial lands, require mitigation in new development in proximity to industrial uses to minimize the proposed development’s impact on nearby uses and require preservation of the city’s overall employment capacity. Proposed development within Urban Villages will be required to adhere to the applicable

Urban Village Plan and provide adequate capacity for both planned housing and job growth. The Urban Village planning process will allow the adjoining community to participate in creation of appropriate standards for that specific Urban Village regarding heights, setbacks, and the types of allowed uses.

The City Council will continue to be the ultimate authority on approvals of zoning and other ordinances. The General Plan sets the overall policies, but they must be supported by the citizens and their elected representatives.

Questions regarding the City's adherence to policies, guarantees of not deviating from previously approved plans, and the other issues raised in this comment should be addressed to the City's decision makers. They do not relate to the adequacy of the EIR or the environmental effects of the proposed project.

**COMMENT 51-E:** 5) Proposed Planning Horizons, Horizon Phasing, 2.2.7, pg 118, Section 2

- Are there time frames in place that “expire”, for entitled Housing projects, already in the Planning Dept. pipeline? Will they lose their entitlements if they don't comply with the time line? Will it cause a Neighborhood Village to be compromised from a “balanced land use mix”?
- How will the Planning Dept plan an Urban Village around a blighted area, that is privately owned & entitled - but the owner doesn't have the capacity to build? How will this affect the planning & phasing of the Urban Village?

**RESPONSE 51-E:** The proposed Plan includes a provision (Policy IP-1.9) for “Pipeline Projects” that would allow for the continued use of the *San Jose 2020 Focus on the Future General Plan Land Use/Transportation Diagram* to find General Plan consistency for a period of up to 18 months following adoption of the proposed General Plan. The proposed Plan also includes policies that would allow for the continued implementation of projects which have an approved zoning in place at the time of the proposed Plan's adoption. After an 18-month period, all new development proposals requiring discretionary action (e.g., rezoning, site permit, subdivision, etc.) will be evaluated for consistency with the proposed Plan Land Use/Transportation Diagram or for consistency with a zoning or permit entitlement approved prior to the adoption of the proposed Plan. Non-conforming projects without previous entitlements and which have not yet been built will thus need to have completed all discretionary permit actions within this 18-month period. The Pipeline Projects provision does not apply to text policies, such as the Discretionary Alternate Use Policies of the *San Jose 2020 Focus on the Future General Plan*. Planning entitlements routinely include time limits for their implementation. Site Development (H) and Planned Development (PD) Permits typically expire two to four years from their date of issuance if construction has not commenced. These Permits can be extended for a period of two years with approval of the Director of Planning, Building, and Code Enforcement. In the event an entitlement expires, the planned development capacity associated with the entitled site will continue to be associated with that property typically only if such capacity has been established through a Planned Development zoning, Development Agreement or Subdivision Map. Because design issues are addressed mostly through a discretionary Site or Planned Development permit process, new entitlements will be reviewed for consistency with the proposed General Plan unless other standards are specifically still entitled for the site.

The Urban Village Planning process outlined within the proposed Plan (Policy IP-5) anticipates the need to consider the near-term feasibility/availability of development sites and

to provide a framework for phased implementation of the Urban Village over time. The Urban Village Plan may include incentives to encourage the combination of properties to facilitate their redevelopment consistent with the Urban Village Plan. The Horizon within which an Urban Village is planned would not be altered by the inability of the entitled property to be redeveloped by the current owner. Generally the implementation of a single Urban Village is anticipated to occur over multiple Horizons and the Urban Village Plan should not require updating as part of the City’s decision to initiate a Horizon.

**COMMENT 51-F:** 6) Project Objectives, 2.3, Section 2, pg 126 - 128

- How will the economic downturn in the Economy, the current City Budget, & loss of the Redevelopment Agency, initially affect the development of Neighborhood Villages?
- How will the current City’s Budget deficit affect this new General Plan’s objectives?
- Will there be dollars available to attract new business, as there has been in the past from the RDA?

**RESPONSE 51-F:** This comment is about the economy and budget issues, not about the environmental impacts of the proposed project. No response is possible.

**COMMENT 51-G:** Items #3 & #5, pg 127, How can the community be certain that a proposed Neighborhood Village Plan - that the pre-determined “planned mix” of development, will be adhered to? What if a Developer wants to build a development that conflicts with the Village Plan? – Will the existing Village Plan “change” to accommodate it – or, will the Developer be told he must follow the Plan? Would the Developer need to file an “Amendment”, as in the past? – Would the proposed Amendment involve additional community outreach?

**RESPONSE 51-G:** It is the City’s intent to implement the *Envision San José 2040 General Plan* as proposed, including the Urban Village Plans created for each Urban Village. Beginning in 2013, the City will again review and consider privately initiated General Plan Amendments on an annual basis. Proposed General Plan Amendments will be subject to the review process, including CEQA review, and community outreach.

**COMMENT 51-H:** Item #14 on pg 128, talks about strengthening regional transit services: How can the City be assured that VTA will be upgrading the efficiency & desirability of its transit system to accommodate the intensification of riders – to attract new businesses? – especially since the VTA has had some past issues, that have attracted two Grand Jury investigations in the past 8 years?

**RESPONSE 51-H:** VTA is the regional agency responsible for providing transit service in Santa Clara County. The City will continue to work with VTA to increase transit services, frequency, and reliability along major corridors (refer to Actions TR-3.5 and TR-12.6).

**COMMENT 51-I:** 7) Policy IP 5.1, pg 162, 3) Building Heights & Density:

- Does this mean that a “Transition Zone” would be implemented and planned out – before any permits or entitlements are given to the Developer?

**RESPONSE 51-I:** Policy IP-5.1 allows issuance of entitlements for residential development in Urban Villages only after an Urban Village Plan has been created. Commercial development would be allowed prior to the creation of an Urban Village. Signature projects would also be allowed when meeting the standards outlined in Policy IP-5.10 which include planning and design of the project through a process involving input from

interested community members. “Transition Zone” is not a concept that is referenced in the General Plan text.

**COMMENT 51-J:** 8) Policy IP-5.4, pg 163, Items 1-4, Item #4: How is this Process any different than the Process we’ve had in the past?

**RESPONSE 51-J:** The City’s current General Plan does not require the creation of Urban Village Plans for designated Growth Areas in the City. Under the *Envision San José 2040 General Plan*, the City will review development proposals for consistency with the approved Urban Village Plans.

**COMMENT 51-K:** 9) Norman Mineta Airport, 3.2.2, Thresholds of Significance, pg 238, Section 3.0

- 3rd Bullet line down: “Result in a change in air traffic patterns...” : How will San Jose’s lack of an Airport O.E.I. Policy impact development? Would it be possible for a Developer to pressure/lobby the City Council to approve a project whose height might pass an FAA “No Hazard Determination” – but might impact an Airline’s OEI zone, thus impacting that particular Airline’s flight routes? How would the Public know if an Airline’s flight route was discontinued, due to an approved high-rise development that violated a particular Airline’s OEI requirements?
- Will all future tall building height developments near Downtown San Jose & Mineta Airport, need to be approved by the A.L.U.C. before going through the Planning Commission?

**RESPONSE 51-K:** The Airport Land Use Commission (ALUC) has reviewed the *Envision San José 2040 General Plan* for consistency with the Comprehensive Land Use Plans for San José International and Reid-Hillview airports. The General Plan includes policies (TR-14.1 to TR-14.4) that address safety and noise concerns related to development in the vicinity of local airports.

The questions regarding the procedural order for review of proposed projects are not answered in the PEIR and cannot be responded to in this context.

**COMMENT 51-L:** (d), pg 238: Decrease in Performance of Public Transit Facilities: How would a decrease in transit performance be measured BEFORE the development was built? If there was such a determination, would that mean that the development wouldn’t be considered? – or, could it be granted an exception - or, a special Amendment to the new General Plan?

**RESPONSE 51-L:** The General Plan does not include individual triggers for development to occur only if certain levels of transit performance are met at the time the development is proposed. The PEIR identifies the projected performance of traffic in transit corridors and the City Council will decide whether or not to approve the *Envision San José 2040 General Plan* in its entirety after reviewing and certifying the PEIR.

**COMMENT 51-M:** Will there be Amendments considered to this new General Plan, when a Developer wants to challenge the existing “Plan”, as in the past? Example: The approved Ohlone Towers Project

**RESPONSE 51-M:** Refer to Response 51-G.

**COMMENT 51-N:** 10) Airport Impacts, 3.2.4.6, pg 292, Impact TRANS-6: What the actual distance that is considered to be “in the vicinity” of the Norman Mineta Airport? (Example: one mile?, two miles?) Would the Airport’s Airline OEI Zone qualify as “in the vicinity”? How can the community have Certainty that the Airline’s OEI Zone is protected – since the City Council has still not adopted an OEI Policy? How can the citizens of San Jose rest assured that our City’s Lack of an OEI Policy isn’t keeping Airlines from choosing San Jose to fly their long-haul heavy aircraft here, due to the lack of a City’s commitment to the protection of their airport flight traffic vs. building height development?

**RESPONSE 51-N:** Figures 3.1-7 and 3.8-1 in the Draft PEIR identify the influence area and airport safety zones for Norman Y Mineta San José International Airport as defined by the ALUC. In this case, these are the areas considered “in the vicinity” of the Norman Y. Mineta San José International Airport. The General Plan includes policies (TR-14.1 to TR-14.4) that address safety and noise concerns related to development in the vicinity of local airports.

Questions regarding airlines choosing to operate out of San José International Airport or not for any reasons are not related to the General Plan as it is proposed and are not the subject of this PEIR. Citizens of San José should address their questions to the airlines themselves or to the City Council.

**COMMENT 51-O:** 11) Vibration, Construction Vibration, Section 3, pg 324 and Community Noise Levels and Land Use Compatibility Policies, Section 3, pg 348, Policy EC-1.7 regarding noise & vibration measures due to infill construction adjacent to residential properties property lines:

- What type of mitigation measures are in place for close infill projects where heavy earth compaction is planned - close to residential property lines, at times less than 50 ft away from vintage homes?
- How will an adjacent residential property owner measure the construction impact on their home’s vintage foundation? Will there be a foundation inspection “baseline” established before the earth compaction begins? Will there be an earth vibration calibration receptor device installed on the adjacent residential property that will record the violations?
- What is the mitigation measure when the vibration concentration is breached by the Developer? – a repaired or new foundation? Who makes that call – the City? Public Works? City Attorney?
- What type of City enforcement will take place if the Developer consistently breaches the established Development Practices, and the appointed Developer Coordinator is not responding? Has their been a Policy established and is it given to Developers when applying for their initial permits?

**RESPONSE 51-O:** In areas where vibration sensitive uses are located on the adjoining properties of a planned development site and demolition and construction activities have the potential to impact these properties a construction vibration monitoring plan may be required. The monitoring plan would need to document conditions of structures of concern on adjacent properties prior to, during, and after vibration generating construction activities. A licensed Professional Structural Engineer would be required to complete the monitoring plan. The exact requirements and responsibilities under the monitoring plan would be determined at the time such a development proposal undergoes CEQA review. The *Envision San José 2040 General Plan* outlines acceptable vibration limits as the basis for such analysis.

**COMMENT 51-P:** 12) Noise and Vibration Impacts, 3.3.4.1, Traffic Noise and Land Use Compatibility Section 3, pg 325:

- It seems the new General Plan is trying to keep noise levels at a certain “acceptable level” for the new mixed-use development residents – however, the new cumulative noise levels may be significantly higher for the existing residential property adjacent to this new development. These existing residential stakeholders may have been in this location for quite some time, and they may be heavily vested in their property over the years, making many improvements. If the outdoor levels in their backyards exceed the 60dBA DNL, will the adjacent residential properties be compensated in some way, for the use of their “compromised” backyard, that is now less desirable - from the cumulative noise from the high-density development? Isn’t this a type of Eminent Domain without compensation - for a “taking of peaceful enjoyment” of their property?
- How & “when” will this cumulative noise be measured to see if the new development is in compliance with acceptable levels?
- What City Dept will handle the mitigation measures/compensation?

As a District 6, San Jose resident for the past 42 years, I appreciate the opportunity to address the Draft PEIR of San Jose’s new 2040 General Plan. I look forward to your response.

**RESPONSE 51-P:** The City’s Zoning Ordinance limits noise levels from any development type adjacent to residential uses to a maximum of 55 decibels at the property line. Proposed development adjacent to existing residential development will be required to include measures in the project design to maintain noise levels at 55 decibels at the property line. The implementation of project conditions and of any mitigation and avoidance measures required will be completed under the oversight of the Director of Planning, Building, and Code Enforcement.

There is no provision for “compensation”.

**52. RESPONSES TO COMMENTS FROM THUY PHUOC, DATED AUGUST 14, 2011.**

**COMMENT 52-A:** We want to express our opposition against the city’s plan to replace the Rancho del Pueblo golf course to build more houses. Some of the immediate impacts will be:

1. Traffic, noise, and air pollution will increase significantly because many more people will use a limited number of lanes to go in and out every day. The current community on Hermocilla/King has 200 single-family houses. This plan has 570 units (almost 3 times more). King/Story intersection was expanded recently and it is already very busy. The exit rams from/to 680 at both directions back up significantly during peak times, which can cause traffic hazards for drivers on the freeway.

2. Crime will increase simply because of the higher density of people. If it gets crowded with many more people, crime will increase. The shooting with two men died in August 2010 at the newly built apartment (San Antonio Ct, next to Freeway 101) is a worrisome example. Mercury News reported this crime:

“The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they’ve complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week.”

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

3. Quality of life and public services will be negatively affected. We do not need more houses in this crowded area. New homes will need more schools, teachers, police officers, fire-fighters, which the city might not have the money for. This plan will decrease and slow down emergency services, such as police cars, fire trucks, ambulances to our community.

As responsible taxpayers and concerned citizens, we believe there are other options instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

**RESPONSE 52-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**53. RESPONSES TO COMMENTS FROM THE AMERICAN LUNG ASSOCIATION, DATED AUGUST 15, 2011.**

**COMMENT 53-A:** The American Lung Association in California (ALAC) appreciates the opportunity to comment on the Envision San Jose 2040 General Plan Draft Program EIR and to suggest additional policies that should be considered as feasible mitigation measures to meet the city’s air pollution and greenhouse gas reduction goals. Such measures will reduce air pollution and greenhouse gases, support reductions in vehicles miles traveled (VMT), and promote a healthier, more sustainable community and future for all San Jose residents.

ALAC commends the City of San Jose for the extensive work on the General Plan Update, and for incorporating many forward thinking policies that promote sustainable, smart growth land use and transportation planning that will lead to healthier residents and reduced rates of chronic disease and premature death. The city is leading the way in its efforts to guide future growth *“in a form which will reduce the need for automobile travel while also promoting transit use, bicycling and walking as alternative means of mobility instead of automobiles.”*

We especially appreciate the city’s support for the development of a Community Risk Reduction Plan that will reduce air pollution exposures in high impact areas.

However, according to the EIR, vehicle miles traveled (VMT) is projected to increase above current conditions due to job growth and the location of housing. Additionally, the plan is not expected to achieve the City’s Green Vision goal of reducing VMT by 40 percent by 2035.

Because transportation is a primary source of greenhouse gases in the City of San Jose, it is clear that the city will need to pursue more aggressive transportation policies to reduce VMT and related greenhouse gases.

The American Lung Association in California offers the following recommended changes and additions be considered in the Envision San Jose 2040 General Plan Update as feasible mitigation strategies to help the city meet its goals to reduce air pollution and green house gases. Such policies and actions will also support the implementation of the Community Risk Reduction Plan to ensure that sensitive populations are protected from harmful air pollution.

We are committed to seeing the city’s innovative plan be a model for an equitable, sustainable and healthy planning document. As such, we also have suggestions where the City of San José can strengthen these policies by replacing “encourage” and “support” with “require” wherever possible.

**Reducing Exposure to Air Pollution and Toxic Air Contaminants**

We support the development of a Community Risk Reduction Plan (CRRP) that provides special restrictions on and requirements for developments located near busy roadways and freeways, due to the need to reduce health impacts from exposures to air pollution and toxic air contaminants. We suggest the following recommended changes and additions to existing general plan policies to support mitigation strategies in the Community Risk Reduction Plan as well as policies that improve air quality and reduce greenhouse gases citywide.

**RESPONSE 53-A:** The Community Risk Reduction Plan has not yet been completed. It is premature to decide what amendments or additions are necessary.

**COMMENT 53-B:** MS-4.1 ~~Promote~~ Require the use of building materials that maintain healthy indoor air quality in an effort to reduce irritation and exposure to toxins and allergens for building occupants.

**MS-4.2** “~~Encourage~~ Require construction and pre-occupancy practices to improve indoor air quality upon occupancy of the structure”

**RESPONSE 53-B:** Comments 53-A through 53- J include the letter writer’s recommendations regarding the project, the *Envision San José 2040 General Plan*. Please note that recommended additions shown in red text in the comments are shown as underlined text in this response to comment section.

Regarding recommended edits to Policies MS-4.1 and MS-4.2, the City of San José has committed to ensuring buildings are designed and built using Green Building principles, including those related to indoor air quality. Performance requirements, in terms of LEED or Build It Green ratings vary with the type and size of project, however, and can be met with a range of Green Building measures. Overall, the language in these policies is consistent with the requirements of the City’s Green Building Ordinances and the City does not have specific standards for interior building materials that could be required for all projects.

**COMMENT 53-C:** MS-11.1 “Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs such as air filtration and locating air intakes away from pollution sources, or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.”

**MS 11.4** “~~Encourage~~ Develop policy to facilitate the use of appropriate air filtration to be installed at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.”

**MS-11.5** “~~Encourage~~ Require the use of pollution absorbing low pollen trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.”

**RESPONSE 53-C:** A Community Risk Reduction Plan for the City of San José has not been completed and specific measures appropriate for the range of development types allowed have not been determined. For example, air filtration may be appropriate for a multi-family building with centralized air handling equipment, but hard to maintain or install and impossible to enforce its proper cleaning for a single family house. School construction and renovation is outside the jurisdiction of the City of San José and the City cannot facilitate installation and use of air filtration at schools. For these reasons, the specific modifications proposed to be added to Policy MS-11.1 and MS-11.4 are declined.

Limiting tree plantings to low-pollen trees may not meet the requirements for reducing TAC concentrations associated with roadways. See Response 53-J for an additional discussion of General Plan policies related to low pollen trees.

**COMMENT 53-D:** MS-11.6 Add to existing language: The appropriate mitigation measures adopted by the CRRP to reduce health risk posed by the proposed development should be identified based on detailed modeling and assessment of local conditions at and surrounding the site, including

proximity to freight-related hazards and empirically counted amounts of diesel truck and train traffic moving through the area.

**RESPONSE 53-D:** The City of San José is currently working with the Bay Area Air Quality Management District (BAAQMD) on one of the first Community Risk Reduction Plans in the Bay Area. The Community Risk Reduction Plan is to be completed consistent with requirements in BAAQMD’s CEQA Air Quality Guidelines. Policies or actions in the CRRP will be incorporated in to the General Plan as appropriate.

**COMMENT 53-E:** **Action MS-11.8** Require signage at existing sites where trucks frequent as well as new projects that generate truck traffic, which remind drivers that the State truck idling law limits truck idling to five minutes.

Action MS-11.9 Develop policy to limit truck idling to one minute or less in areas near sensitive populations.

**MS-11.5** “Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses, where appropriate and feasible. Trees will be evaluated for their potential to reduce pollen to help reduce asthma and allergy impacts.”

**RESPONSE 53-E:** The City of San José can require signs at new projects as conditions of approval. At this time, it would not be practical or economical for the City of San José to establish a program that requires installation of signs at existing uses citywide. The State truck idling law noted in Policy MS 11.8 would apply whether signs are present or not.

Policies or requirements to limit truck idling are appropriately applied on a regional or statewide level as truck drivers work in multiple jurisdictions. For this reason, adding a policy lowering truck idling limits further is not proposed.

As noted in Response 53-B, limiting tree plantings to low-pollen trees may not meet the requirements for reducing TAC concentrations associated with roadways. See Response 53-J for an additional discussion of General Plan policies related to low pollen trees.

**COMMENT 53-F:** **Goal MS 12 – Objectionable Odors**  
Smoke (wood smoke and tobacco) should be included in the definition of “objectionable odors.”

**Wood smoke pollution**

Wood smoke makes up the largest source of PM in the wintertime. The City of San José currently has a wood burning ordinance that states: “No person shall create or cause the emission of noxious or offensive odors, **dense smoke**, or any private or public nuisance by burning any solid waste.” Because even small amounts of smoke can create a health hazard, the ordinance should be amended to indicate “**no visible emissions.**” Restrictions on outdoor wood burning devices, such as chimineas, should be considered.

**Suggested revision:**

**Action MS-10.11** Strengthen and enforce the City’s wood-burning appliance ordinance to limit air pollutant emissions from residential and commercial buildings. No person shall create or cause the emission of noxious or offensive odors or smoke, visible emissions of smoke, or any private or

public nuisance by burning any solid waste.” Work with air district to support additional measures to reduce exposures to wood smoke pollution, as outlined in 2010 Clean Air Plan.

**RESPONSE 53-F:** The City adopted a wood-burning appliance ordinance based upon research and a model ordinance prepared by BAAQMD. The City may consider modifications to its ordinance as BAAQMD revises its regulations and recommendations for control of wood smoke and particulate matter.

**COMMENT 53-G: Diesel Truck Traffic Exposure Mitigations**

The City of San Jose General Plan Update only includes one policy regarding truck circulation, MS-11.3, which does not adequately address all feasible measures to reduce air pollution impacts from diesel truck traffic in neighborhood areas highly impacted by air pollution. By only focusing on projects that generate significant traffic, the policy does not address reviewing existing truck routes throughout the city. Additionally, **Policy TR 6.2 supports maintaining existing truck routes without mention of impacts on sensitive receptors: *Maintain Primary Freight Routes that provide for direct access for goods movement to industrial and employment areas.***

We suggest the following policy and policy changes related to truck circulation and traffic:

**MS-11.3** ~~“Truck circulation routes will be reviewed for projects generating significant heavy duty truck traffic to designate truck routes that~~ Review truck circulation routes and develop alternative routes that decrease exposures in communities most impacted by air pollution to minimize exposure of sensitive receptors to TACs and particulate matter.”

**Policy TR-6.3** ~~Encourage~~ Require through truck traffic to use freeways, highways, and County Expressways and encourage trucks having an origin or destination in San Jose to use primary truck routes designated in this General Plan.

**RESPONSE 53-G:** As noted in this comment, both Policy MS-11.3 and Policy TR-6.3 address truck traffic on roads in the city. The foregoing comments include the letter writer’s opinions and recommendations regarding the project, the *Envision San José 2040 General Plan*.

Identified truck routes will be shown on the Community Risk Reduction Plan, and as currently proposed, there would be a 500-foot evaluation area around identified truck routes for new development proposals. The City does not have the authority to require trucks to use a particular route.

**COMMENT 53-H: Additional Mitigation Measures to Reduce PM**

Suggested Policy: Require Best Available Control Technology on construction equipment operating on construction sites within 1,000 feet of schools, childcare, hospitals and playgrounds. Construction equipment should meet US EPA Tier IV emissions standards or install verified “Level 3” controls that can achieve at least 85 percent reductions in PM.

Suggested Policy: Require best available control technology for on-site generators to reduce emissions.

Suggested Policy: Develop policy to restrict use of gas leaf blowers and lawn mowers. Work with BAAQMD to implement an electric lawn mower/leaf blower exchange program in areas designated as Care Communities.

Suggested Policy: Work with BAAQMD to control emissions from commercial wok cooking and solid fueled cooking devices such as outdoor commercial barbecues and wood fired pizza ovens to reduce localized harmful particle pollution. This policy is included in Further Study Measures as part of the BAAQMD 2010 Clean Air Plan.

**RESPONSE 53-H:** The City will continue to use BAAQMD CEQA Air Quality Guidelines to review environmental effects of construction and new development and require mitigation measures, as called for in proposed Policy MS-10.1. Additional specificity in General Plan policies is not required and could become out of date over the life of the General Plan.

As noted in Response 53-B, the City of San José adopted a wood-burning appliance ordinance based upon research and a model ordinance prepared by BAAQMD. The City may consider modifications to its municipal code as BAAQMD revises its regulations and recommendations for control of wood smoke and/or particulate matter.

**COMMENT 53-I: Urban Heat Island Mitigation**

Health language regarding the effects of urban heat islands and need for additional mitigation measures should be incorporated into the General Plan Update and Community Risk Reduction Plan. A recent Stanford University study found that domes of increased carbon dioxide concentrations – discovered to form above cities more than a decade ago – cause local temperature increases that in turn increase the amounts of local air pollutants, raising concentrations of health-damaging ground-level ozone as well as particles in urban air.

Jacobson estimated an increase in premature mortality of 50 to 100 deaths per year in California. <http://news.stanford.edu/pr/2010/pr-urban-carbon-domes-031610.html>

In addition to adding health language, additional strategies that can reduce the urban heat island should be included in General Plan Policy MS-2.6 as follows:

**Policy MS-2.6** ~~Promote~~ Require roofing design, including green and cool roofs, trees and vegetation, cool pavements and surface treatments that reduce the heat island effect of new and existing developments.

**RESPONSE 53-I:** Green and cool roofs are examples of roofing design that can reduce the heat island effect, as are measures such as tree planting and the use of treatment swales in parking lots which are already included in the City’s Adopted Design Guidelines. As discussed in Response 53-A, the City of San José has committed to ensuring buildings are designed and built using Green Building principles. The City’s Green Building policies and ordinances encourage green building practices that include measures to reduce the heat island effect. The U.S. Green Building Council’s (USGBC), Leadership in Energy and Environmental Design (LEED) and Build it Green’s (BIG) Green Point Rated rating systems are the green building standards for the City of San José. These green building certification systems give credit for the use of surfaces with high solar reflectivity on roofs (cool roofs), roads, sidewalks, courtyards, and parking lots. In addition, vegetated roofs encouraged by the City’s Post-Construction Stormwater Management Policy as a stormwater treatment measure, are also beneficial in reducing ambient temperatures. Performance requirements, in terms of LEED or Build It Green ratings vary with the type and size of project, however, and can be met with a range of measures. Overall, the language in this policy is consistent with

the City’s Green Building Ordinances and Green Vision and the City does not have specific standards for roofing or surface treatments that should be required for all projects.

**COMMENT 53-J: Transportation Policies to Reduce Vehicle Miles Traveled**

Because the projected rates of both VMT and vehicle trip growth in the General Plan are greater than the rate of population growth, the City of San Jose will not meet its goals to reduce vehicle miles traveled. Therefore, we recommend that the existing Tier II Vehicle Miles Traveled Reduction Actions be implemented in Tier I to facilitate the fastest possible transition to mode share shift that incentivizes walking, cycling, transit, car sharing, carpooling and other non single occupant vehicle use. Below are additional recommended language changes in those policies.

**Action TR-10.1** ~~Explore development of a program for implementation as part of Tier II,~~ Develop policy to require that parking spaces within new development in areas adjacent to transit and in all mixed-use projects be unbundled from rent or sale of the dwelling unit or building square footage.

**Action TR-10.2** ~~In Tier II,~~ reduce Adopt policy to reduce minimum parking requirements citywide.

**Action TR-10.3** ~~Encourage participation~~ Facilitate car sharing programs ~~for new development in identified growth areas.~~ throughout the city.

**Action TR 10.4** ~~In Tier II,~~ Adopt policy to require that a portion of adjacent on-street and city owned off-street parking spaces be counted towards meeting the zoning code’s parking space requirements.

**RESPONSE 53-J:** The reasons why these Tier II actions were not included in Tier I are discussed on page 866 of the Draft PEIR.

**COMMENT 53-K:** We have the following recommended changes to these general plan transportation policies as feasible measures to further reduce vehicles miles traveled.

**TR-1.1** Accommodate and ~~encourage~~ facilitate the use of non-automobile transportation modes to achieve San José’s mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

**TR-1.4** Transportation improvements funded through new development should include needed improvements to all modes, including bicycling, walking and transit. ~~Encourage~~ Prioritize investments that reduce vehicle travel demand.

**TR-1.8** Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emissions standards are met. Prioritize investments in bicycle and pedestrian facilities in low-income communities, which are less likely to have access to a private automobile, and thus more likely to be dependent on walking and bicycling for transportation.

**TR-7.1** Require ~~large~~ employers of 20 or more to develop TDM programs to reduce the vehicle trips generated by their employees. (SB 582, supported by the Bay Area Air Quality Management District and Metropolitan Transportation Commission, required employers with twenty or more employees to

provide one of three commuter benefits e.g. by administering a program to allow employees to pay for public transit, vanpooling or bicycling expenses with pre-tax dollars.)

**TR-8.3** Implement policies that support using use parking supply limitations and pricing as strategies to encourage use of non-automobile modes.

**MS-10.5** In order to reduce vehicle miles traveled and traffic congestion, new development within 2,000 feet of an existing or planned transit station will be required to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines, transit incentives, parking benefit districts, and implementation of car sharing programs.

**Note:** Revenues from parking benefit districts can be designated to fund shuttle services, as well as streetscape improvements, such as improved sidewalks, curb ramps and street trees, to improve the safety of the pedestrian environment in the neighborhood.

The American Lung Association in California echoes the concerns made by Greenbelt Alliance and other organizations that the Plan’s emphasis on more jobs than homes and significant roadway expansions will negate the balanced transportation goals of Envision 2040. More must be done to make a shift away from auto-dependence. We support the policy and mitigation recommendations by Greenbelt Alliance to enhance the bicycle network, and policies that focus on walking, cycling and supporting transit, including parking reform, parking pricing, parking benefit districts, and parking cash out programs. Additionally, we support policies in the city’s planned and identified growth areas that focus first on the city’s non-auto transportation system, rather than expanded road capacity.

**RESPONSE 53-K:** It is not clear why changing policy language from “encourage” to “facilitate” or “prioritize” is a preferable wording since all of the words are permissive. Since not all circumstances warrant the same priorities, it was determined that the word “encourage” best covered a range of conditions and best expressed the City’s policies at this point in time. Policies will be evaluated during the four-year reviews of the General Plan and may be revised or supplemented when considered necessary or appropriate.

Rather than making infrastructure decisions based only on income, the City will continue to evaluate a range of criteria, including demand, need, and feasibility.

Parking supply programs will not be implemented in Tier I for the reasons discussed on page 866 of the Draft PEIR.

**COMMENT 53-L: Other Policies**

**Low Allergy Tree Planting**

The City of San Jose is commended for its ambitious tree-planting program. However, it is critically important that trees be selected for low pollen so they don’t worsen asthma, allergies and other lung diseases. We recommend the following language to address pollen.

**MS-21.3** Ensure that San José’s Community Forest is comprised of species that are low pollen to reduce allergies, have low water requirements and are well adapted to the city’s Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.

Thank you for your consideration of these recommendations to incorporate health protective policies into the General Plan for residents most impacted by air pollution, as well as provide cleaner air and a healthier more sustainable community for all San Jose residents.

For more information, please contact Jenny Bard, Regional Air Quality Director, at 707-527-5864 or by email at [jbard@alac.org](mailto:jbard@alac.org).

**RESPONSE 53-L:** Limiting tree plantings to low pollen trees (either by species or gender) would not be a ‘best management practice’ for successful urban tree plantings and could result in undesirable outcomes that would be inconsistent with other City goals.

Almost all trees produce pollen, and the species native to this area (such as coast live oak, valley oak, and Western sycamore) are especially prodigious pollen producers. So while it would be a worthwhile goal, especially for those people that have sensitivity to tree pollens, it may restrict the number of available species of trees to be planted and could mean that the City could not encourage the planting of those trees that are the most adapted to our climate, which are our native trees. It is also generally unwise to use only a few species as street trees instead of a diversity of species because a single disease could effectively wipe out most of the City’s street trees.

The type of flower that a tree has also affects the amount and type of pollen that it produces. Most of the large shade trees do not have showy flowers and are therefore “wind pollinated” species. Other types of flowers that are showy to attract bees (or flies) for pollination produce much less pollen and the pollen produced is generally sticky in nature because it is meant to stick to the legs or body of the bee. That type of pollen is much less likely to affect people because they do not routinely come into as close contact with it. However, these types of sticky pollen trees are usually the smaller ornamental or fruiting trees (such as apples, cherries, pears, and plums) which have showy flowers in the spring, but usually do not produce much shade to combat the heat island effect and other environmental benefits that other larger shade trees produce. Therefore, limiting tree plantings citywide to low pollen trees is not proposed.

**54. RESPONSES TO COMMENTS FROM THE BUILDING INDUSTRY ASSOCIATION, DATED AUGUST 15, 2011.**

**COMMENT 54-A:** On behalf of the Building Industry Association of the Bay Area (BIA) we appreciate the opportunity to provide comments and concerns regarding the Envision San Jose 2040 Draft Program Environmental Impact Report (PEIR). While the BIA appreciates the outreach and information provided by staff and the San Jose 2040 Task Force, we cannot envision a vibrant economy for the City of San Jose if the PEIR plan goals, policies and implementation actions are realized.

There seems to be a growing disconnect between what the City of San Jose wants and the reality of our south bay market conditions. The focus of the Envision 2040 General Plan is to encourage job growth; however the City Council and the Task Force have made it clear the preference is not for those jobs to be related to residential construction. The City desires having a jobs-to-housing ratio more intense than it was at the very height of the dot com boom; creating 470,000 new jobs and only allowing the construction of 120,000 new high density housing units. Designating job growth in a General Plan does not make those jobs appear, but planning to reduce your jobs-to-housing ratio to 1.3 to 1 will certainly make relocating a business center to the City of San Jose less desirable. It places a significant burden to provide housing to support those jobs outside of San José's sphere of influence - impacting significantly the environmental goals the Plan set out to correct.

**RESPONSE 54-A:** The foregoing comments reflect the letter writer's opinions regarding implementation of the proposed project, the *Envision San José 2040 General Plan*. The comments do not raise any questions about any environmental issues or the adequacy of the PEIR. No other response is required.

**COMMENT 54-B:** Before the current economic recession, the housing industry was widely understood to play an integral role in San Jose's economy; yet the PEIR does not count these jobs in their growth capacity goal to attain 470,000 new jobs. Despite the economic downturn, new housing construction still has a positive economic and fiscal effect in San Jose (Center for Housing Policy's study "Building California's Future" attached). For the fiscal year 2009-10 the construction of a median-priced home in the state of California produces an estimated \$375,699 in new economic activity. In addition the construction of each new median priced home built in 2009-10 created an estimated 2.1 jobs. The data provided in attached study suggests that housing development is both economically and fiscally beneficial despite our current economic downturn.

**RESPONSE 54-B:** These comments regarding the economic and fiscal effects of housing construction are noted. The EIR did not generate the jobs and housing numbers; they were part of the reports to and from the Task Force. The estimates of new jobs were based upon the assumptions for the proposed land uses on the Land Use/Transportation Diagram. The comments do not raise any questions about any environmental issues or the adequacy of the PEIR. No other response is required.

**COMMENT 54-C:** The PEIR does not consider what will happen if the anticipated job numbers are not reached. The document should consider the economic impact to San Jose if housing production is discouraged through phasing, neighborhood opposition, and density requirements and the projected job growth never occurs. This would further reduce San José's ability to compete with neighborhood jurisdictions for employment centers creating a significant impact to San José's economic viability that is not properly studied in the PEIR.

**RESPONSE 54-C:** As discussed in the PEIR, the proposed General Plan provides a vision of future growth, development, and the provision of municipal services for San José. It also establishes an ongoing program for the City to monitor and evaluate its success in implementation, fundamental elements of which include Annual Review and Major Reviews. The Annual Review and the Major Review (conducted once every four years) will include assessment of the General Plan’s progress toward achievement of the General Plan goals and provide for review of privately or publicly initiated site specific proposals for possible amendment of the General Plan text and the Land Use/Transportation Diagram. The Major General Plan Review provides the structure and opportunity for the City Council to adjust policies and programs consistent with established goals and to determine whether to move into the next growth Horizon identified in the General Plan.

The purpose of an EIR is to provide information on the effect a proposed project is likely to have on the physical environment, identify ways to minimize significant environmental effects of a project, and to provide alternatives for consideration by the decision makers (CEQA Section 21061). An EIR is not required to speculate about economic effects, although economic and social information may be included in an EIR particularly as they might affect environmental conditions (CEQA Guidelines Section 15131).

**COMMENT 54-D:** Evaluation of the potential biological impacts and associated mitigation for adopting a plan with a goal of achieving an unbalanced jobs/housing ratio are not thoughtfully considered in the PEIR. In addition to the local CEQA process for project approval the Bay Area also has an unprecedented regional planning overlay that was not considered in PEIR. Recent regional planning documents akin to; the Bay Area Air Quality Management District’s (BAAQMD) Green House Gas Thresholds of Significance, the Bay Conservation and Development Commissions Proposed Bay Plan Amendments, and the Sustainable Communities Strategy proposed by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) will have an impact on our region’s ability to provide adequate housing and plan for a vibrant and diverse regional economy. Future projects will have additional planning burdens to comply with environmental goals and mitigation mandates of regional policy. Areas not considered in the PEIR.

**RESPONSE 54-D:** The PEIR addresses the environmental impacts of implementing the proposed *Envision San José 2040 General Plan*. While it does not evaluate as separate impacts the possible effects of regional plans and the BAAQMD CEQA Guidelines on the provision of new housing by private developers, these plans and greenhouse gas thresholds are addressed in the PEIR.

The BAAQMD thresholds for greenhouse gas emissions are discussed extensively in Section 3.15 Greenhouse Gas Emissions of the PEIR. The Bay Conservation and Development Commission’s proposed amendments to the Bay Plan are addressed in Section 3.5 Biological Resources and Section 3.7 Hydrology and Water Quality. The development of the Sustainable Communities Strategy for the Bay Area is described in Section 3.2 Transportation and Section 3.15 Greenhouse Gas Emissions.

This comment may have overlooked some of the relevant regional plans; their inclusion in the Draft PEIR is on pages 129-130, Section 2.5 Consistency with Adopted Plans.

**COMMENT 54-E:** The Plan phases new housing growth within identified growth areas and precludes large scale home building from happening outside of these growth areas, but the PEIR does not study the option of adapting to changing market conditions. For the most part the planned

density is 55-dwelling units per acre with only a small allowance reduced density in areas adjacent to existing single-family neighborhoods. While infill and intensification are certainly the focus of the plan there is no discussion on creating real economic incentives for residential builders to achieve these massive densities. The Plan does not include flexibility to react to market forces, or strong policy positions like exercising eminent domain to achieve large scale redevelopment acquisition in desired areas. The PEIR does not address limitations in the City’s current budget, the potential loss of RDA funding, and how it will invest in the required infrastructure to make building the “Urban Villages” a viable business venture. Without strong construction incentives and community buy-in to the intense residential densities defined in the plan the planning goals will continue to stifle San Jose's economic recovery; resulting in less housing built and higher home costs due to greater demand. The Plan’s goal is to eliminate the one thing San Jose has going for it – adequate housing. The PEIR does not study these financial planning and infrastructure problems or identify how they can be mitigated.

**RESPONSE 54-E:** It is not the role of an environmental document to identify economic incentives for private sector developers to develop land in the City or to engage in “financial planning”. Nor would it be appropriate for an EIR to identify flexibility that allows development inconsistent with the General Plan land use designations. Since this comment appears to be advocating lower density housing (i.e., fewer dwelling units), it is not clear what is intended by the statement that the General Plan will eliminate adequate housing.

This comment is incorrect to the extent that it is saying that the Draft PEIR does not addressing funding or maintaining infrastructure. Policies which address prudent management of resources and infrastructure, planning for adequate supplies and delivery systems, funding and construction are substantively addressed through Section 3.9 Public Facilities and Services, and Section 3.10 Utilities and Service Systems. Specific General Plan policies and actions that address this issues and will provide mitigation for potential impacts are included in the General Plan and addressed in the following sections of the General Plan and the pages indicated in the Draft PEIR:

- Education and Services Policies and Actions (Community Safety) (610-663)*
- Education and Parks, Trails, Open Space, and Recreation Amenities Policies and Actions (615)*
- Parks, Trails, Open Space, and Recreation Amenities Policies and Actions (618-619)*
- Education and Services Policies and Actions (Libraries) (620)*
- Water Conservation and Quality Policies and Actions (649-650)*
- Infrastructure Policies (654-655, 657)*
- Development Fees, Taxes, and Improvement Requirements Policies (655, 657-658, 662, 666)*
- Flooding and Stormwater Runoff (657)*
- Flooding Hazards Policies and Actions (660-661)*
- Provision of Infrastructure Policies (661, 664)*
- Water Supply, Sanitary Sewer, and Storm Drainage Policies and Actions (661-662)*
- Solid Waste Materials Recovery/Landfill Policies (664-665)*

**COMMENT 54-F:** Land developers are just starting to move forward and acquire new residential parcels. While banks are still burdened with refinancing and foreclosures they seem amenable to providing financing on residential projects with phased risk. The intensification of residential housing described in the Plan would make future economic investment in San Jose an uncertain venture. The Plan mandates a development type that has been particularly hard to sell in San Jose, even in the City’s downtown. The PEIR does not evaluate these economic conditions.

We respectfully ask that you reconsider adoption of the Draft Program Environmental Impact Report and do the necessary economic analysis to encourage a healthy jobs/ housing ratio that will encourage residential and economic development in San Jose.

**RESPONSE 54-F:** Refer to Response 54-C, above. There would not be any justification for incorporating an economic analysis into an EIR for the purpose of encouraging economic development.

**55. RESPONSES TO COMMENTS FROM THE COMMITTEE FOR GREEN FOOTHILLS, DATED AUGUST 15, 2011.**

**COMMENT 55-A:** The Committee for Green Foothills submits the following comments on the Draft Program Environmental Impact Report for Envision San Jose 2040 General Plan (PEIR). We again thank the City for extending the deadline for comments.

I. Feasible mitigations were omitted and must be included for Housing Imbalance, Transportation, Air Quality, Biological, and Land Use Impacts.

Impact PH -1, Impact TRANS -1, and other impacts listed below are described as significant. The mitigation we describe below will reduce that impact, although not necessarily to a level of insignificance, by delaying when it will occur and preventing unnecessary additional impacts. Feasible mitigations not discussed in the PDEIR reduce the multiple significant impacts associated with Jobs:Employed Resident ratios exceeding 1:1

The City worsens many of its environmental impacts, including the above impacts, through the proposed Jobs:Employed Residents ratio (J:ER) greater than 1:1, which, given the lack of housing in the Bay Area have the effect of causing large numbers of people to reside away from the Bay Area and commute by car. The City also acknowledges that if the J:ER ratios exceed 1:1 not so much because the City actually intends those high ratios but because it wants to maximize job opportunities that will increase the current ratio significantly below 1:1. See Committee for Green Foothills attached letter of February 22, 2010 for context. Mitigations that allow the flexibility of planning for jobs in multiple areas while preventing or delaying J:ER ratios far in excess of 1:1 should therefore be feasible and desirable.

1. Mitigation requiring that the J:ER jobs capacity of 1.3:1 can be planned but the actual J:ER ratio should not exceed 1:1. The PEIR should include a mitigation for Impact PH-1, Impact TRANS-1, Impact AQ- 1, Impact LU -6, and for Impacts BIO -1, BIO -4, and LU -7, all three of which should be considered significant for reasons discussed later in this letter, a requirement that the actual jobs to employed residents ratio to remain no higher than a 1:1 ratio. Development of jobs capacity in the City should happen in stages for different areas, and once the 1:1 ratio is reached, additional areas for additional capacity should not be readied for new jobs until the residential development level is also matched and planned to occur at approximately the same time. The City should include this mitigation and recalculate impacts on its basis.

**RESPONSE 55-A:** The foregoing comments reflect opinions and recommendations regarding the project, the *Envision San José 2040 General Plan*. An alternative to the proposed project addressed in Section 8.5.4 Scenario 3: ABAG Projections Alternative, includes a projected jobs to employed residents ratio of 1.0 and is described starting on page 881 of the Draft PEIR. As noted on page 883 of the Draft PEIR, this project alternative is projected to result in slightly fewer Vehicle Miles Traveled (VMT) and lower VMT/capita and VMT/Service Population ratios. As the letter writer notes, this lower J:ER ratio would incrementally reduce some, but not all, of the significant impacts of the project. It was determined that this alternative would not be as consistent with the Project Objectives (on page 126).

The proposed General Plan includes implementation policies that address orderly growth as assessed in annual and Major Reviews. Including a milestone that would limit job growth as a part of a planning horizons or tier is not currently proposed. Since past experience has

shown that the economy moves back and forth between conditions encouraging housing and jobs, artificially freezing one phase in order to (hopefully) trigger another could be inconsistent with identified objectives, especially Objective 1 (page 126).

**COMMENT 55-B:** 2. Alternative mitigation to the strict limit of an actual J:ER ratio of 1:1, requiring the J:ER ratio remain no higher than 1:1 as long as housing is available. The City recognizes that a higher ratio of J:ER than 1:1 means there will be more people living outside San Jose and commuting to and from the City, increasing greenhouse gas emissions and creating significantly more traffic congestion. To partially mitigate the detrimental imbalance from jobs growth without housing for Impacts (ADD FROM LIST ABOVE), the growth of jobs should be bound to the growth of housing, such that the J/ER ratio does not exceeds 1:1 until the City completes their housing development goals, and then the jobs continue to be developed, possibly up to the ratio limit of 1.3:1. If the 1:1 ratio is exceeded before all the housing is completed, job capacity expansion should cease until an adequate number of housing units are developed to bring the ratio back down to 1:1.

The 1:1 ratio for the near future of J:ER can prevent a sudden influx of workers before housing is available in the city, which will mitigate the environmental impact of more employees living in surrounding regions and commuting than necessary. We understand that there needs to be a certain level of housing and job developments created for the region within San Jose, yet the ratio of jobs created does not need to be over 1:1 in order to have a fiscally successful city, especially not until housing goals are reached. The backloading mitigation policy is therefore both feasible and effective in preventing further environmental damage than the proposed developments are already causing.

**RESPONSE 55-B:** Refer to Response 55-A. As mentioned previously, the proposed General Plan includes implementation policies that address orderly growth as assessed in annual and Major Reviews.

**COMMENT 55-C:** II. Impacts from Prime Agricultural Land Loss

There are several flaws in the PEIR related to analysis of impacts on Prime Agricultural Land.

Failure to quantify the analysis for amount of acreage of prime farmland lost. CEQA is very clear that EIRs must be accurate, that they must not minimize project impacts, and that programmatic EIRs must not delay to project level review any impact analysis that can be conducted on the programmatic level.

The PEIR here discusses the areas where prime farmland exists and would be developed, but fails to describe exactly how many acres would be lost. That figure is knowable; it is necessary to create an accurate EIR; the failure to include it minimizes the impact on agricultural land by omitting the large amount of lost farmland; and the figure can be derived now and need not wait for subsequent approvals. The City cannot adequately make a Finding of Overriding Circumstances if it fails to look adequately at the significant impacts that the General Plan would authorize.

**RESPONSE 55-C:** An estimate of Prime Farmland within the Urban Growth Boundary of San José is included in Table 3.1-1 of the PEIR and impacts to agricultural resources (using references to the same sites as those in Table 3.1-1) are discussed on pages 176 -177. Development on the Cilker, Moitozo, Almaden Expressway, and iStar properties could impact approximately 155 acres of Prime Farmland. Development of North Coyote Valley

properties could impact an additional 957 acres for a citywide total of approximately 1,100 acres of Prime Farmland.

**COMMENT 55-E:** Failure to use existing conditions as the baseline. Contrary to the statement at the beginning of PEIR Section 3 that existing conditions are used as the baseline for measuring impacts, the section on farmland references entitlements on existing farmland during the analysis of farmland impacts. It is unclear what this reference means because no quantification of farmland impacts is given, but appears to suggest that farmland with “entitled” development would not be considered part of the lost farmland. This fails to identify existing farmland condition as the baseline.

Describing “most” of North Coyote as entitled is insufficiently accurate. Much of North Coyote does not even have the pretense of entitlement, and any development in those areas would indisputably result from the PEIR.

Entitlement in North Coyote Valley is questionable for failure to meet Development Agreement benchmarks. Even if the PEIR could ignore the existing farmland condition on “entitled” land, the Development Agreement for the Coyote Valley Research Park has not been satisfied due to failure to meet benchmarks on job creation in Coyote Valley in the years since the DA had been signed.

Furthermore, both the DA and subsequent permits are due to expire between now and the end of 2012. The PEIR should not plan for the next 30 years based on agreements that are either invalid or that have not been exercised and are nearly at the point of expiration.

**RESPONSE 55-E:** This comment is incorrect. The Draft PEIR does identify the quantity of farmland that could be developed compared to existing conditions (see Response 55-D above). The Draft PEIR also does not suggest that entitled farmlands should not be considered as part of the farmland to be developed.

Most of North Coyote Valley, within the Urban Service Area (USA), *is* entitled. It is difficult to identify specific acreages in North Coyote Valley, where entitlements have overlapped parcel lines and ownership patterns. Approximately 1,054 acres were considered for rezoning and land use approvals in the early 1980’s, after the area was included within the City’s USA. That did not include IBM, a developed site of approximately 200 to 250 acres. In 2007, a Draft EIR circulated by the City of San José identified 1,700 acres of land in North Coyote Valley. It is therefore assumed that all of the land within North Coyote Valley is approximately 1,700 acres in area. Of that total, approximately 100-150 acres at the southeast corner of Bailey Avenue and Santa Teresa Boulevard is still zoned R-1 and has not received any recent entitlements for urban development. That is also true of a smaller parcel just south of Tulare Hill and adjacent to the railroad tracks, which is zoned A-Agriculture, and three very small scattered parcels on the western perimeter of North Coyote Valley, which are zoned R-1. Of the 957 acres of land in North Coyote Valley that is designated as farmland (including Prime Farmland, Farmland of Local Importance, and Grazing), most of it is designated for *Campus Industrial* development on the City’s General Plan. The property zoned R-1 southeast of Bailey/Santa Teresa is part of the land designated as Prime Farmland.

Approximately 1,400 acres of North Coyote is zoned A(PD) for campus industrial use or IP(PD) for industrial park use. The latter is the IBM property, which is developed. Approximately 1,50 acres of land on both sides of Santa Teresa Boulevard and south of

Bailey Avenue is zoned A(PD) for campus industrial; much of that land has received Planned Development permits for development, some of which are believed to still be valid.

Some of that property was also the subject of Development Agreements, which this commenter acknowledges are still valid.

In order to approve the Planned Development zoning on the properties other than IBM, the City of San José Council adopted findings and statements of overriding considerations acknowledging the impacts of approving the project, including the loss of farmland.

There is, at this time, no information about what might happen in North Coyote relative to implementing the previously approved entitlements. There are, however, entitlements that are in place on most of the land in North Coyote Valley.

It is not clear what the commenter means by “The PEIR should not plan for the next 30 years based on agreements that are either invalid or that have not been exercised and are nearly at the point of expiration.” The PEIR is not doing any planning. As is required by CEQA, the PEIR discloses all of the information that is known and relevant regarding the status of farmland in North Coyote Valley, including the fact that it was previously approved by the City of San José for development and is still designated and most of it is zoned for urban uses.

**COMMENT 55-F:** Impact LU-6 listed on pages 176-179 has listed the loss of Prime Agricultural Land as significant and Section 3.1.4.1 on pages 193-194 has listed the loss of Prime Agricultural Land as significant and unavoidable. The feasible mitigation described below and not included in the PEIR will reduce that impact by offsetting the effects of development on agricultural lands and delaying when the impacts will occur.

There are approximately 957 acres of Prime Farmland in North Coyote Valley within the city limits and the Urban Service Area, with even more in the Coyote Valley Urban Reserve and in South Coyote Valley. Development of North Coyote Valley should be listed as a significant impact both for the impact on agricultural land and as a vital wildlife corridor. The City should not plan for any development in North Coyote Valley until the urban regions of the City have been built out. There is no reason to begin impacting this Prime Agriculture land when there is still viable space to develop and redevelop within the City. By backloading development in the city instead of undeveloped open space like Coyote Valley, this will mitigate the effects of increased transit to Coyote Valley as well as delay environmental impacts of development in the area.

The City should mitigate any agricultural development in other areas by establishing conservation easements or other permanent protection measures for agricultural lands in a 1:1 ratio of acres developed to acres preserved. Specifically, agriculture should be protected in the Coyote Valley Urban Reserve, as well as South and North Coyote Valley once the Urban Reserve is completely protected. CEQA is clear that temporary impacts are significant, so mitigations that delay impacts and are otherwise feasible have the effect of reducing those impacts and must be implemented.

**RESPONSE 55-F:** As discussed on pages 193-194 of the Draft PEIR and in Response E-2, the PEIR does identify (in Section 3.1.4.1) conservation easements on existing farmland as an offset that could be required of development that eliminates agriculture on prime farmland. The discussion also acknowledges that conservation easements on other agricultural land does not mitigate the loss of the farmland, since it does not reduce or avoid

the loss, nor does it replace the farmland – it just protects some other farmland somewhere else from being lost.

Should the City Council wish to require such easements to offset the loss of agricultural land, they can do so at any time development is being considered on prime farmland.

**COMMENT 55-G:** III. Other comments on Agricultural Land and mitigation

Preservation is mitigation. 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 is preferable, but preserving farmlands in other areas of Santa Clara County should also be considered for purposes of determining feasible mitigation. Preservation of agricultural land in other parts of the state does not adequately mitigate for the loss of local farmland and contradicts other local policies for farmland mitigation.

The claim in the PEIR that the “protection of other existing farmland, such as through the use of agricultural easements or outright purchase, would not be considered mitigation under CEQA because the net result of such actions would still be a net loss of farmland acreage” (PEIR at 193) contradicts more recent CEQA caselaw cited above and other local farmland preservation policies such as by Santa Clara County LAFCO and City of Gilroy. See also *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477 and *Sierra Club v. County of Napa*, (2004) Cal.App.LEXIS 1467.

It is inappropriate to defer to project level mitigation (PEIR at 193-194) the decision of whether agricultural mitigation should be required. The PEIR projects the loss of farmland now, so deferring mitigation decisions to a later point contravenes CEQA.

**RESPONSE 55-G:** This comment objects to the conclusion in the Draft PEIR that protecting some other farmland somewhere else is not mitigation for loss of farmland in San José, since the farmland is still lost. Policies of other jurisdictions are acknowledged, but do not represent the City of San José.

The Draft PEIR does discuss conservation easements as a possible offset for the loss of agricultural land (Section 3.1.4.1 starting on page 193). The impact addressed is the conversion of farmland to non-agricultural use (the third threshold of significance on page 155). Conservation easements do not avoid or reduce that impact.

The last comment, that it is inappropriate to defer mitigation until the specific project is approved, is a misrepresentation of what the Draft PEIR says. There was no feasible mitigation identified for the loss of farmland within the Urban Service Area that would reduce the impact to less than significant (page 194).

**COMMENT 55-H:** Rooftop gardens and natural landscaping should be required. Once all agricultural land in Coyote Valley incorporated into the greenbelt is protected, the City should require rooftop gardens and extensive natural landscaping on developments on agricultural lands to help mitigate the loss of agricultural land. This will offset the effects of heat islands, maintain air quality in the area, and potentially provide habitat for raptors and other native, winged fauna.

**RESPONSE 55-H:** The benefits of rooftop gardens are acknowledged. The definition of natural landscaping is not clear in this comment. Developing a site with extensive landscaping (including with plants native to the area) and rooftop gardens would not mitigate the loss of agricultural land, although it could reduce new visual impacts from scenic roadways or parklands.

**COMMENT 55-I:** IV. Impact on Serpentine Lands

Impact BIO-2 listed on pages 470-471 has been listed as significant. The mitigation described below will ensure the impact is lessened as opposed to the previous mitigation that does not commit to any measures.

The City is relying on the completion and implementation of the Santa Clara County Habitat Conservation Plan to create preserves and enforce measures to decrease nitrogen impact on serpentine lands. Before the HCP is implemented, and in case the HCP is not implemented, the City currently says it will develop its own measures if it has the appropriate resources, then continues to say that they do not have the appropriate resources. There needs to be a tangible interim mitigation to damage done to serpentine lands created and implemented by the City and based on the proposals in the HCP. If the HCP is implemented, then the City can cease their mitigation only if the HCP is serving to at least fully mitigate the impact.

Some suggested mitigation measures include creating serpentine preserves to prevent nearby development, charging a nitrogen deposition tax on new developments in the sensitive areas, charging a fee on sewer hook-ups near the sensitive areas, and charging a gas or Vehicle Miles Traveled fee. These measures would help protect an extremely unique and fragile ecosystem from irreversible damage, and to reach that goal the City should devote as many resources as necessary. These mitigations should be mandatory in the absence of an approved Habitat Plan.

**RESPONSE 55-I:** As discussed on pages 470-471 of the Draft PEIR, impacts could be reduced somewhat through the increased use of multi-modal transportation proposed in transportation control measures included in the project, although it is assumed that overall nitrogen emissions would still increase.

Collecting fees alone would not provide mitigation for the identified indirect impacts to serpentine grasslands. Establishing serpentine preserves managed to enhance conditions for plant species endemic to serpentine habitats, as identified in Actions ER-2.9 and ER-2.10, are measures identified in the PEIR that could reduce nitrogen deposition impacts. During preparation of the Draft PEIR, it was recognized that the program costs for setting up and administering an independent system of serpentine grassland preserves in the long-term may not be feasible for the City of San José in the near term given staffing and available funding. Implementation of the proposed measures and their feasibility will be considered by the decision makers as a part of adoption of the proposed General Plan.

**COMMENT 55-J:** V. Impact on Wetlands, Baylands, and Riparian Corridors, and on Wildlife Movement

Impact BIO -1 and BIO -4 have been listed as less than significant, but should be listed as significant.

**RESPONSE 55-J:** The letter writer does not identify specific reasons why impacts to natural communities and wildlife movement would not be reduced to a less than significant

level with implementation of the proposed policies in the General Plan and existing regulations.

**COMMENT 55-K:** Incorrect description of impacts on North Coyote Valley as less than significant. Page 458 of the PEIR states:

Due to the relatively high levels of disturbance associated with already existing agricultural habitats that could be developed under the proposed General Plan, the relative abundance of suitable habitat for species such as raptors, other birds, and small mammals that use agricultural habitats both within the region and the state (e.g., when grassland availability in the vicinity in the Diablo Range and Santa Cruz Mountains is considered), impacts of development allowed by the General Plan to agricultural habitats within San José would be less than significant.

Documentation by the De Anza College Wildlife Corridor Stewardship Team that is briefly described by the PEIR but effectively ignored actually refutes this argument (see attached letter also available at [http://www.sanjoseca.gov/coyotevalley/docs/Ltr\\_DeAnza\\_Wildlife\\_Study\\_04.14.08.pdf](http://www.sanjoseca.gov/coyotevalley/docs/Ltr_DeAnza_Wildlife_Study_04.14.08.pdf)):

“The ‘heavily disturbed agricultural and developed areas on the Coyote Valley Floor’ is currently providing a wildlife corridor for species of Coyote Valley that come from both mountain ranges and ones which are already in the valley” -7

“Animals are not only moving but also foraging on the floor of Coyote Valley” -10

“Agricultural lands are of high value to wildlife that forage” -10

“One should not be surprised that such high animal use happens on the ‘heavily disturbed agricultural and developed areas on the Coyote Valley floor’. These agricultural lands provide a home for a variety of rodents, which are the main prey for several predators found on the Coyote Valley floor. We have not gone a day in Coyote Valley with out seeing several California ground squirrels.” -10

“If [The Coyote Valley Specific Plan, making the same claim of less-than-significant impacts] were to be implemented it would have a highly significant impact to this existing wildlife corridor and the regional movement of species, thus completely halting the natural movement that wildlife species have implemented themselves. This movement has enabled them to be able to exist in the last remaining large open space in the area of Santa Clara County” -11

These analyses show, as they did with the Coyote Valley Specific Plan, that significant wildlife impacts occur with development in Coyote Valley. (See also attached De Anza Wildlife Corridor Project Annual Report available at [http://www.deanza.edu/es/wildlifecorrproj/CV%202008%20Annual%20Report%20Final%20V2%2014\\_10.pdf](http://www.deanza.edu/es/wildlifecorrproj/CV%202008%20Annual%20Report%20Final%20V2%2014_10.pdf) (“Coyote Valley is one of two connectivity points between the Diablo Range and the Santa Cruz Mountains, the other being through the Pajaro River Basin, and is the only linkage with a direct connection between the two. If Coyote Valley is developed, the linkage will be lost and species in the Santa Cruz Mountains with large home ranges such as the mountain lion and the North American badger will be genetically isolated and local extinction may occur.”))

**RESPONSE 55-K:** Under the proposed General Plan, wildlife movement would continue to occur in Mid-Coyote Valley and North Coyote Valley. As described on pages 476-478 of the Draft PEIR, the proposed General Plan does include policies that would provide for

wildlife roadway crossings in the North Coyote Valley. Please also refer to comments made by the De Anza Wildlife Team (Letter 57).

**COMMENT 55-L:** Below are suggestions on refining policies to ensure mitigation measures are met:

- Policy ER-3.2 should be written with stricter language. Instead of calling a 100-ft setback “a standard to be achieved” it should be a required standard, unless it can be proven there is no feasible alternative. In the case where there is no feasible alternative, the farthest distance possible should be proposed as the setback and the City must review and approve the proposal, which should include measures to mitigate the project’s impact on the riparian corridor. This minimizes impacts to the riparian corridors and waterways in a more tangible way than the recommendations from San Jose’s Riparian Corridor Policy Study.

**RESPONSE 55-L:** The foregoing comments on proposed Policy ER-3.2 (renumbered Policy ER-2.2 in the Draft Plan) reflect opinions and recommendations regarding the project and may be considered by the decision makers. Policy ER-2.2 would apply when the City is reviewing a project proposed by a private or public entity. Under Policy ER-2.2, a setback of less than 100-feet would only be consistent with the proposed General Plan if there would be no significant impact. The policy does not address feasibility and focuses on avoiding substantial impacts to riparian corridors.

**COMMENT 55-M:** With Policy ER-4.4, instead of “avoiding new development”, changing the language to “prohibiting new development” will guarantee the mitigation is successful. In sensitive areas such as baylands and wetlands, all detrimental development should be prohibited, especially in specific regions where endangered species are known to breed or nest. Failure to adopt stricter policies on development in these areas will cause significant, irreversible damage to San Jose and the surrounding regions’ wildlife populations.

**RESPONSE 55-M:** The letter writer’s recommendation regarding the wording of Policy ER-4.4 (renumbered to Policy ER-3.4 in the Draft General Plan) is noted. In this case, the two words have the same meaning. The meaning of the word “avoid” is to not do something or prevent something. Prohibit can be defined as to forbid or to prevent.

**COMMENT 55-N:** VI. Other considerations.

Require recycled-water tolerant landscaping. To reduce impacts on water supply, the PEIR should include a mitigation that the Community Forest, City-managed landscaping, and other new landscaping be recycled-water tolerant.

**RESPONSE 55-N:** Proposed Policy MS-19.4 requires the use of recycled water wherever feasible and cost-effective to serve existing and new development. Use of recycled-water tolerant landscaping, including City-managed landscaping, where recycled water is available or will be available in the near term, would be consistent with this policy.

**COMMENT 55-O:** Institute a policy on no-net increase in impervious surfaces: Either as a feasible mitigation for hydrological impacts or as an independent choice by the City to avoid environmental effects, it should institute the following as a mitigation or a new policy: “encourage an overall trend toward a net decrease in impervious surface areas through project renovations with a focus on parking lots, driveways, sidewalks, and patios, and investigate a project-specific, no-net

increase in imperviousness that would allow payment into compensation funds where projects require on-site increase in impervious surfaces.”

**RESPONSE 55-O:** Requirements in the City’s Regional Municipal NPDES Permit, Post-construction Urban Runoff Management Policy 6-29, and Post-Construction Hydromodification Management Policy 8-14 all address control of urban runoff and minimizing new impervious surfaces in the City. Proposed Policy MS-3.5 calls for projects to minimize the area dedicated to surface parking to reduce rainwater that comes into contact with pollutants and Policy ER-9.1 (renumbered to Draft Plan Policy ER-8.1) refers to managing stormwater runoff in compliance with the two City policies noted above (see page 551 of the Draft PEIR). Payment into “compensation” funds would not provide mitigation for either water quality impacts or increases in stormwater runoff and a separate policy is not proposed.

**COMMENT 55-P:** Impact LU -7 should be considered significant. The Golf Course Overlay in particular creates the opportunity for tens to hundreds of acres of lost habitat that have not been analyzed in the PEIR. The Golf Course Overlay should be eliminated (existing courses will therefore be grandfathered). All other disturbances should be limited to no more than 10% of the property's surface area. Only these changes can make this impact less than significant.

Conclusion.

Please contact us with any questions. Again, we appreciate the opportunity to comment and deadline extension, and we expect our comments will help improve the environment for San Jose for decades to come.

**RESPONSE 55-P:** The Golf Course Overlay is only shown on the proposed Land Use / Transportation Diagram where golf courses currently are present. As discussed on page 183 of the Draft PEIR, development allowed outside the UGB (including any new golf courses) will need to be carefully sited and designed and include the preservation of substantial areas of open space to be consistent with the policies in the proposed General Plan. Identifying a specific percentage of allowed disturbance may not avoid substantial impacts to open space or agriculture if a property is large (e.g., several hundred acres or more) or if proposed development is highly visible or in key habitat areas. For these reasons, a straight percentage of surface area was not applied in a policy designed to reduce or avoid substantial impacts.

The letter writer’s opinion regarding the proposed new Golf Course Overlay designation on the Land Use/Transportation Diagram is noted.

**56. RESPONSES TO COMMENTS FROM DAVID FADNESS, DATED AUGUST 15, 2011.**

**COMMENT 56-A:** GP2040’s most significant achievement is in broadening and boldly stating San Jose’s definition of sustainability to include the primacy of fiscal and economic considerations in addition to those of our environment. Driven by eleven consecutive years of budget deficits, San Jose will now have a General Plan that charts a path to aggressive corrective action on the cost and revenue sides of its balance sheet.

Importantly, we’re now requiring scheduled Major Reviews. This powerful new approach will greatly enhance our chances of success in implementing a broadly shared vision for San Jose’s future by (1) keeping us focused on GP2040 achievement; (2) performing periodic comprehensive review of progress and the effectiveness of prescribed actions in attaining its goals and policies; and (3) when appropriate, making mid-course corrections to goals, policies, and actions to reflect changing needs.

**Jobs:** We know that jobs bring money to cities. GP2040’s emphasis on jobs growth is our key to revenue enhancement for our city and a better life for its residents. We know that housing costs cities money. Sharing with other jurisdictions the responsibility of providing housing is our key to cost reduction. Both approaches will add to an improved bottom line for our city, enabling it to restore and, we all hope, eventually surpass the quality-of-life services San Joseans deserve and have grown to expect.

Growing jobs in San Jose will bring other benefits: more employment options and shorter commutes (fewer VMT--vehicle miles traveled) for our residents; travel time savings; reduced energy consumption and costs; less air and heat pollution; a more realistic possibility of walking, biking, and/or using public transit; and the likelihood of greater sales tax proceeds from San Joseans who will live, work, and spend here in our city.

**Housing:** Sharing the responsibility of providing housing with other jurisdictions will offer some of the same benefits to them, but it will also shift to their municipal balance sheets the negative cash flow housing represents. San Jose has too long been the bedroom community for Santa Clara County and the Bay Area. If we citizens hold our City Council to achieving them, GP2040’s goals will at last bring us to parity in jobs/housing. A better and more balanced metropolitan environment will result from San Jose’s broadened focus on fiscal and economic sustainability.

**Regional Obligations:** Meeting “regional housing obligations” must also be considered in this context: San Jose is struggling to correct the long-term effects of providing housing for other city’s jobs. The result is a relatively poor tax base that leaves us short of revenue to even provide maintenance, let alone needed infrastructure expansion. Regional government is preparing to impose increased housing requirements on us (and reduce our jobs allocation), but has never adequately addressed our need for funding. On a per capita basis, we do not get our fair share. The results include crumbling infrastructure, perennial traffic congestion and related environmental degradation, and declining public services.

Even if regional government gave us the funding we need and deserve to build supporting infrastructure, it’s clear that money alone cannot buy us out of the dire fiscal, economic, and environmental consequences of following their jobs/housing dictates. We need to stop the one-way outflow of traffic each day to jobs (and merchants) in other cities. We need to build jobs in San Jose. We need to catch up, to reach aggressively beyond parity in our J/ER goal in order to have some

assurance of achieving at least one job per employed San José resident by 2040. This is a target we've strived for with limited success since the 70s.

GP2040 is an attempt to address these issues—we must stand resolutely in its defense and implementation.

**General Plan Impacts:** The DEIR identifies numerous significant unmitigated impacts associated with the proposed GP2040. Chief among these is a forecasted increase in traffic congestion and related noise and pollution (ref: Impacts TRANS-1, TRANS-3, TRANS-4, TRANS-5; NV-3; AQ-1, AQ-8; BIO-2; PH-1; GHG-2; C-TRANS-2; C-NV-3; C-BIO-4; and C-PH-5).

These impacts are largely related to ambitious goals for job growth, a higher than average housing growth rate, and non-conservative assumptions regarding our success in reducing VMT. Failure to meet GP2040 job goals will worsen San Jose's fiscal condition. Failure to meet its housing goals could help fiscally, but could also negatively impact our economic growth. Transportation is a critically important factor. Unless more street and road capacity is built and more people walk, bike, and/or use public transit, our plans are doomed; failure to increase capacity or drastically reduce VMT will make matters worse fiscally, economically, and environmentally. As is admitted in the PEIR (ref: pg. 19), rigorous pursuit of VMT reduction could become a substantial disincentive to job growth in our city. Careful monitoring and mid-course correction will be needed.

**A Preferred Alternative:** Owing to its reduced scale, the Scenario 1: Low Growth Alternative, is shown in subject PEIR to be “environmentally superior to the proposed” GP2040 (ref: pg. 22). It reduces the number of new jobs and dwelling units, but achieves a very desirable Jobs/Employed Resident (J/ER) ratio of 1.2; a level that is consistent with the basic objectives of GP2040. Its total number of housing units and rate of development is closer to our ten-year average production, a more reasonable target (especially since each unit represents a net cost to our city).

Except for the No Project alternative, Scenario 1's year 2035 VMT is lowest among those studied (ref: Table 8.5-1). There is no good reason why “villages” and all other GP2040 concepts couldn't be incorporated.

Scenario 1 would result in greatly improved economic and fiscal sustainability with less uncertainty and less risk of environmental damage. As such, it is the most desirable alternative and should be given serious consideration for adoption by our Planning Department and the San Jose City Council.

**Periodic Review:** If at any point a scheduled Major, Annual, Horizon, or any other public review discloses that we are not meeting GP2040 goals, mid-course corrective action must be undertaken. This could mean one or a combination of changes to the extent of stated goals, to transportation policies, to job or housing targets, or to the timeline for build-out. What should never be allowed is degradation of public services or our quality of life in San Jose.

Continued growth of our city makes sense only if it gets measurably better as growth occurs. Fiscal, economic, and environmental improvement is what San Joseans desire; it's an implicit assumption in GP2040.

**Coordinate Growth with Certainty of Supporting Infrastructure:** Development must not be allowed to proceed until plans are approved and related funding is secured for near-term supporting infrastructure and urban services. This strategic alignment is essential to end our history of

prolonged lag time between the occurrence of growth and the completion of mitigation needed to maintain an acceptable quality of life.

**RESPONSE 56-A:** The foregoing comments reflect opinions and recommendations regarding the project, the *Envision San José 2040 General Plan*, and one of the project alternatives described in the PEIR. The comments do not raise any questions about the adequacy of the PEIR. No other response is required.

**COMMENT 56-B:** The following comments refer to cited pages in the 6/17/11 Draft Plan:

Page 1-73 (and page 7-14, IP-5.1.3) Village Boundaries and Land Uses: This discussion must include consideration of interface issues relating to existing adjacent uses, especially residential neighborhoods. There needs to be assurance that these Villages will not result in adverse impacts on levels of service for existing residents. (Again, continued growth of our city makes sense only if it gets measurably better as growth occurs.)

Page 2-2 (third paragraph): Creativity also drives/thrives in high tech and businesses, not just in arts and entertainment—high tech creativity is what our Silicon Valley area is best known for!

Page 2-16, FS-2.8, Cultivate Fiscal Resources: Add: “Encourage our residents to buy in San Jose and implement plans to make it easier and more attractive to do so.”

Page 2-21: Add a Goal FS-7 that addresses fiscal sustainability in transportation, a focus that (like transportation itself) is vital to success in growing our economy while supporting our quality of life. We have serious problems in transportation funding today; our General Plan should acknowledge and set a cautious course toward solution of this problem, gauging progress and making mid-course corrections whenever needed.

Page 4-50, 6-55 (TN-2.3, TN-2.4) and elsewhere: Trails must be designed with appropriate consideration for the privacy and security of adjacent homes and businesses. Police and emergency vehicle access is important. Page 5-27: Virtually all San Jose streets are already “complete”. Although some do not have designated bike lanes, it’s a credit to our city that they all accommodate walking, biking, driving, and public transit.

Pages 5-27, 5-28, 6-37: Where will the money come from to provide/maintain the amenities described for Grand Boulevards and Main Streets? Although it would be very desirable to have such facilities, it’s important to note that, a couple of years ago, our city imposed a tear-out policy for city street landscaping; unless citizens volunteer or are willing to pay an assessment for ongoing maintenance, landscaping is removed. We have an enormous city-wide backlog in street pavement repair. Because we’re constantly told there is no money to fix what we already have, grandiose plans for Grand Boulevards and Main Streets seem, at best, overly optimistic.

Page 6-14, LU-9.14: Concentrations of residential care and service facilities, etc. in a given neighborhood or area of our city should be discouraged. Page 6-15, LU-10.3: Is there any statistically valid evidence that high density residential and mixed uses built near transit facilities encourages its use? After decades of emphasis on public transit in our city and county, has any survey of those who live in such facilities demonstrated that their use of public transit is greater than that of the public as a whole? If this is an anecdotal supposition, we must proceed with caution in much of what is proposed in this General Plan.

Page 6-35, 6-45, 6-48 Transportation Policies: How will the stated goals for VMT reduction, parking limitations, etc. impact San Jose’s chances for economic development in a fiercely competitive local, regional, statewide, national, and international market for employers and employees? What happens if we pursue those goals and they don’t produce the desired results—or—if they succeed at the expense of our dreams for economic and fiscal sustainability? Will we make appropriate mid-course corrections at Major GP reviews? If so, this should be clearly stated.

Page 6-37, TR-1.17: Cost-reduction (as well as new revenue sources) must be included as a focus in funding transportation maintenance. Reducing VMT, improving automobile fuel efficiency, and high oil prices will continue to aggravate maintenance funding deficiencies.

Page 6-43, TR-5.3 Vehicular Traffic Mitigation Measures: Add the word “denial” in the opening statement, “Review development proposals for their impacts on the level of service and require denial or appropriate mitigation if development of the project has the potential to reduce the level of service to “E” or worse.” That was the intention of our original transportation level of service policy in the ‘70s; if it had been followed, we would have far fewer transportation and related environmental/quality of life problems today.

Page 6-43, TR-5.3 Small Projects: Prohibit breaking large parcels into “small projects” in order to gain exemption from traffic analysis.

Page 6-44 (top): Are newly added “Corridors and Villages, Transit Station Areas” being included in “Special Strategy Areas” where intersections are “protected” from mitigation requirements? If so, this important fact should be made clear in sections describing Corridors and Villages, and Transit Station Areas. What will the impact be on traffic congestion in adjacent neighborhoods?

Page 6-46, TR-8: Can parking strategy implementation requirements be made permanent (irrevocable) so that, in 2040, our city streets won’t be cluttered with double-parked cars as they are in San Francisco?

Page 6-47, TR-8.12: Are we really advocating the conversion of open space/recreation areas into formal parking if strategies in TR-8 don’t work? A more careful approach must be taken to avoid this possibility. Appropriate mid-course corrections must be made at Major GP reviews if TR-8 goals are falling short, threatening space/recreation areas or thwarting economic development.

Pages 6-48, 49, 50 Reduction of VMT: Can incentives be offered to employers instead of just requirements? Why is VMT reduction their job? What incentive will they have to come to or stay in San Jose if faced with these requirements?

Unless and until federal, state and/or local law is changed, transportation is primarily funded by fuel taxes. Fuel taxes are per gallon; the number of gallons used depends on vehicle miles traveled. So, transportation money declines as VMT is reduced. This is aggravated by very desirable increases in automotive fuel efficiency and the advent of electric vehicles. Currently proposed as an alternative to fuel taxes, the efficacy of VMT taxes, unless draconian, would be threatened if VMT is reduced. How will we pay for transportation repairs, improvements, maintenance, and (especially) amenities? How will we grow our economy without supporting, high quality transportation? Transit is still a relatively poorly developed alternative in San Jose—and struggling against the prospect of further service cut-backs. If transportation costs are significantly increased here, how will less affluent people be able to live/work and get around—will they be forced out of their automobiles?

Deficiency in transportation funding is not a problem San Jose can solve on its own. Any attempt to would put us at a serious competitive disadvantage. We can be careful, though, not to make matters worse—and must participate proactively in finding solutions.

A cautious approach must be taken to avoid this possibility. Appropriate mid-course corrections must be made at Major GP reviews if VMT and other transportation goals are not on track to success or if they're threatening economic development, fiscal sustainability, environmental/quality of life degradation, and social equity.

Page 7-13, IP-5.1.1 Urban Village Planning: There is too much focus here on typically low-paying retail jobs. Can Villages be encouraged (by zoning or other means) to include higher-paying industrial/commercial employers? Our General Plan must strive to achieve our city's and our residents' economic and fiscal sustainability.

Page 7-14, IP-5.1.7 Financing: Village planning must prioritize its net benefit to our city's fiscal sustainability.

Thank you for considering my comments.

**RESPONSE 56-B:** Please see Response 56-A.

**57. RESPONSES TO COMMENTS FROM DE ANZA COLLEGE WILDLIFE CORRIDOR TECHNICIAN PROGRAM, DATED AUGUST 15, 2011.**

**COMMENT 57-A:** The De Anza College’s Wildlife Corridor Technician (WCT) Program would like to express its appreciation of how its research has been used in the San Jose General Plan 2040, Draft Program Environmental Impact Report (PEIR). The WCT Program has been studying wildlife movement in Coyote Valley since 2007. Through field observations, camera traps, transects, and other research methods, the WCT Program has identified Mid-Coyote Valley to be the optimal wildlife corridor linking the Diablo Range and Santa Cruz Mountains habitat together. Here, we define Mid-Coyote Valley as the area bounded by US 101 Freeway to the east, Bailey Avenue to the north, Palm Avenue to the south, and Calero County Park and Santa Teresa Hills to the west. Prior to this research, no other in-depth multi-species study of this landscape has been conducted.

Since our 2008 Annual Report, the WCT Program has only gained a deeper understanding of the diversity of birds and mammals living and crossing through Coyote Valley. As a result of our latest findings, the WCT Program requests the following changes to be made to Table 3.5-3, “Special-Status Animal Species Known to Occur within the City Limits,” on pages 436-445 of the Draft PEIR underneath “Occurrence”:

- California red-legged frog (*Rana draytonii*): In addition to already noted occurrence, they have been spotted at the west side of US 101 Freeway in Coyote Valley.
- Bald Eagle (*Haliaeetus leucocephalus*): In addition to already noted occurrence, known active nests are present at Coyote Lake, Anderson Reservoir, and Calaveras Reservoir. They are found throughout the year in Coyote Valley, but are rare and not breeding.
- Golden Eagle (*Aquila chrysaetos*): In addition to already noted occurrence, they are observed year round in Coyote Valley.
- Loggerhead shrike (*Lanus ludovicianus*): In addition to already noted occurrence, they are a fairly common breeder in Coyote Valley’s agricultural lands.
- Yellow warbler (*Dendroica petechia*): They are a fairly common breeder along Coyote Creek throughout Coyote Valley.
- San Francisco common yellowthroat (*Geothlypis trichas sinuos*): In addition to already noted occurrence, they are common year-round in Coyote Valley along Coyote Creek.
- Yellow-breasted chat (*Icteria virens*): They are rare along Coyote Creek in Coyote Valley during the spring months, but have not been observed breeding.
- Tricolored blackbird (*Agelaius tricolor*): In addition to already noted occurrence, a breeding colony has been observed in Coyote Valley, as well as hundreds of individuals foraging throughout Coyote Valley during the fall through early summer.
- San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*): In addition to already noted occurrence, they are abundant throughout Coyote Valley with numerous nests occurring along Coyote Creek.

- American badger (*Taxidea taxus*): In addition to already noted occurrence, they occur in the agricultural fields of Coyote Valley. Numerous road-killed badgers have been observed on US 101 Freeway through Coyote Valley.
- Ringtail (*Bassariscus astutus*): There have been reports of Ringtail in Coyote Valley.

The WCT Program would also like to note that on page 436 for the California condor (*Gymnogyps californianus*), in addition of the already mentioned occurrence, there is a record of the condor from San Martin just south of Coyote Valley and also at Lick Observatory in 2011.

Furthermore, as a result of our latest findings, the WCT Program requests the following change to be made to Table 3.5-2, “Special-Status Plant Species Known to Occur within the City Limits,” on page 432 of the Draft PEIR underneath “Occurrence”:

- Mt. Hamilton Thistle (*Cirsium fontinale* var. *campylon*\*): In addition to the already noted occurrence, this species has been observed at the east and west sides of US 101 Freeway in Coyote Valley.

**RESPONSE 57-A:** These comments on the occurrences of special status species have been reviewed by H.T. Harvey & Associates, the biological consultants for this EIR, and modifications made to Table 3.5-2 and Table 3.5-3 (refer to Section 5 Revisions to the Text of the Draft PEIR). No revision was necessary for loggerhead shrike, yellow warbler, yellow-breasted chat, or San Francisco dusky-footed woodrat, as the existing text in Table 3.5-3 already addresses the subject of the letter writer’s comments. The San Francisco common yellowthroat is not thought to range as far inland as Coyote Valley.

In the biologists’ opinion, no change is needed to page 436 of the Draft PEIR regarding the occurrence of the California condor; records referred to are outside of the city limits, and their existence does not change the validity of the PEIR’s statement regarding this species.

**COMMENT 57-B:** Lastly, the WCT Program would like to comment that the wildlife in Coyote Valley is not as constrained by developments and US 101 Freeway as the PEIR describes it to be. On page 424 underneath “Wildlife Movement in Coyote Valley,” the PEIR states, “Now the area which once certainly served as an easy, short-distance crossing for wildlife to move between the Mt. Hamilton Range and the Santa Cruz Mountains is constrained by these [agriculture, golf course, and US 101 Freeway] developments...” The WCT Program’s research since 2007 has shown that mammals frequently use US 101 Freeway crossing structures and can freely move through the valley. As a result, the WCT Program requests the PEIR to not label these developments as constraining Coyote Valley, though enhancements should be made to reduce road kill and increase connectivity.

The De Anza College’s WCT Program deeply thanks the City of San Jose for considering and incorporating the Program’s research of wildlife movement in Coyote Valley into its environmental impact review process. It is our goal that the City of San Jose will be a leading example of environmental sustainability in the year 2040, protecting critical open spaces such as the Coyote Valley wildlife corridor for current and future generation. We offer our services and we look forward to working with the implementation team in the future. Thank you for your consideration of these comments.

**RESPONSE 57-B:** In the context of the discussion of wildlife movement in Coyote Valley, “constraint” refers to the combined effects of agriculture, golf courses and the US 101 freeway in this area. While wildlife can currently cross these land uses and features, at some locations such as road embankments or fences, free wildlife movement can be hampered and alternative pathways through culverts or gaps are used.

**58. RESPONSES TO COMMENTS FROM GREENBELT ALLIANCE, DATED AUGUST 15, 2011.**

**COMMENT 58-A:** Thank you for allowing Greenbelt Alliance the opportunity to comment on the Draft Program Environmental Impact Report (EIR) for the Envision San Jose 2040 General Plan. Greenbelt Alliance has had the pleasure of sitting on the General Plan Task Force for nearly four years and looks forward to a visionary document being adopted by the San Jose City Council this fall. We intend to support this document as it is implemented and what follows are our suggestions for how to make it even stronger. Also, we very much appreciate the two week extension on comments.

Envision 2040 has many great goals, policies and actions that will set San Jose on a course to a more sustainable, equitable future. A focus on urban villages, infill development, and a multi-modal approach to mobility makes this plan a model. Taking the urban reserves off the table for development and recognizing Coyote Valley as a wildlife corridor are steps in the right direction as it allows San Jose to reinvest in existing neighborhoods and ensure valuable infrastructure dollars are being used to make what is already built even better.

As Public Health Law and Policy stated in their memo,

*“The draft Plan represents one of the strongest land use policy statements on healthy communities that we are aware of in California to-date...” and “Overall, the current draft does an excellent job of identifying clear and specific goals, policies, and objectives. Adopting a plan with such a clear and specific policy framework will go far to ensure that San Jose’s vision for a healthy community becomes a reality.”*

Greenbelt Alliance wants this vision to become a reality. The draft EIR is the community’s chance to see what the environmental impacts of the proposed plan will be and where the opportunities lie to ensure that policies are consistent and the intended outcomes are reached. Many environmental impacts also impact a community’s health and well-being. And many of our comments below relate to the air quality impacts of increased vehicle miles traveled (VMT). While it is a significant sea change to move away from an auto-centric land use pattern to one that favors others modes of travel, and while this may be difficult to implement at times, the benefits that accrue back to residents and the City as a whole are worth that effort.

Thank you for taking the time to review our comments.

Jobs-Housing Balance

In an attempt to reverse the current situation of having more employed residents than jobs, San Jose is planning for a significant increase in jobs over the next three decades. Factoring in the number of planned new homes, San Jose is proposing a 1.3 jobs to 1 employed resident ratio. Whether or not this ratio is reached over the life of the General Plan, specific uses, like jobs, are proposed for specific areas, like North Coyote Valley. The Bay Area is a jobs-rich region, while affordable housing continues to be elusive, especially in Silicon Valley. By pursuing far more jobs than homes, San Jose is actually exacerbating a regional problem. More people will be commuting in to San Jose for work.

San Jose is at the crossroads of a plethora of transportation options, such as multiple freeways, a multi-modal transit hub at Diridon Station, extensive bus and light rail lines and the future extension

of BART, High Speed Rail and Bus Rapid Transit. Since people are more likely to ride transit to get to work, one would hope this would be the preferred mode of travel for those who would be commuting into San Jose for work. However, as noted in the Draft EIR, “The percentage of jobs within walking distance of rail stations and the top 15 bus routes would, however, decline compared to existing conditions.”

The Draft EIR goes on to state that the plan proposes to place a substantial number of jobs at locations where major transit is not currently proposed nor planned. These job locations include New Edenvale and North Coyote Valley. In its quest to attract any and all jobs, San Jose may gladly allow North Coyote Valley to build out with jobs. Considering North Coyote Valley’s location, most people employed at this site would drive and the environmental impact, as highlighted in the Draft EIR, is that Envision 2040 will generate a significant increase in traffic.

Greenbelt Alliance suggests the following mitigations to offset this significant impact:

1. Backload North Coyote Valley and other transit-poor future employment lands until all infill areas near transit are exhausted first. North San Jose, Downtown and Diridon Station are all expected to absorb job growth and these areas make sense as they all benefit from multiple transportation options. According to Public Policy Institute of California’s report, *Driving Change*, “High employment densities appear to boost transit ridership (and therefore reduce VMT)...in part because it is relatively easy to drive or bike from home to a transit stop or station but not as easy to drive or bike from a transit station or stop to their workplace.” Boosting employment densities at transit-rich locations first before accommodating jobs in places like North Coyote Valley achieves a greater reduction in VMT which helps reduce greenhouse gas emissions and other air quality impacts.
2. Encourage high density homes to be located on employment lands such as North Coyote Valley. By clustering a mix of homes, jobs and shops at these locations, it allows people to live closer to where they work which cuts down on commuting by car.
3. Pursue more aggressive transportation policies that support a shift to walking, cycling and riding transit.

**RESPONSE 58-A:** Section 3.2.4.2 Mode Share Impact, starting on page 260 of the Draft PEIR, discusses the development of employment uses at sites which have no existing transit access. As discussed on page 269, while there is no transit at these locations now, it does not mean there never will be. Land use approvals in North Coyote Valley reserved right-of-way width that could be used for future LRT or BRT service and a Caltrain station on the existing Caltrain line was also assumed. It is also likely that once a substantial number of jobs are created at any of the locations currently without transit, a system of shuttles will be created to bridge the gap to transit until a transit system is expanded, as presently occurs routinely throughout Silicon Valley.

The original purpose in planning for employment uses in North Coyote Valley, Evergreen, and New Edenvale was to place substantial concentrations of jobs close to the very large residential neighborhoods in south San José. While residents of those neighborhoods would still mostly drive to jobs in New Edenvale, Evergreen and/or North Coyote Valley, the trips would be substantially shorter than driving to existing job rich areas of North San José, Santa Clara, and Sunnyvale, for example. For some, bicycling or walking would also be feasible.

Under the proposed General Plan, mixed use Urban Villages are proposed for infill locations with existing transit. They are not proposed near the edge of the urban envelope where additional public services, including schools, libraries, and community recreation centers, would also be needed given the distance from current development in the City. Placing a substantial new residential community at the urban edge would not be consistent with other General Plan policies and objectives.

As discussed on page 302 of the Draft PEIR, policies and actions such as multi-modal infrastructure improvements and implementation of parking strategies in Tier 2, are included in the proposed General Plan. What is meant by the suggestion for “more aggressive transportation policies that support a shift to walking, cycling and riding transit” is not identified in this comment. The proposed General Plan policies are intended to encourage more use of other transportation modes. It is also anticipated that future reviews of the General Plan will be opportunities to evaluate how successful such policies are, and to evaluate additional initiatives. Tier II activities, for example, will need to be pursued to a county-wide (or perhaps region-wide) basis that will require widespread public support.

**COMMENT 58-B:** Additionally, the draft EIR seems to take lightly the potential for displacement from future growth especially around transit. A recent study out of the Dukakis Center for Urban and Regional Policy, *Maintaining Diversity in America’s Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change*, found that, “*While patterns of neighborhood change vary, the most predominant pattern is one in which housing becomes more expensive, neighborhood residents become wealthier and vehicle ownership becomes more common.*” The report goes on to state that “*People of color, low-income households and renters...are disproportionately likely to live in households without vehicles...and are all more likely to use transit than the average American. These three groups represent the majority of what we refer to as core transit riders.*”

It is very likely that an influx of new infill development near transit in San Jose will drive up prices and lead to voluntary displacement as people move to find more affordable homes. These more affordable homes may be further afield, in communities like Los Baños or Tracy, which in turn forces people to commute back to the community in which they may work. It is therefore critical that San Jose has strong affordable housing policies. San Jose has an excellent record in building affordable homes and Greenbelt Alliance recognizes that the future is uncertain when it comes to building more homes affordable to a range of incomes. That said, Envision 2040 is planning for the next three decades and the economy will go through many cycles. Greenbelt Alliance asserts that displacement is a significant impact and suggests the following mitigations:

4. Ensure that strong protections are in place to preserve affordable housing stock in transit zones, especially Diridon Station which will provide local and regional connections, ensuring access to opportunity.
5. As massive planning efforts move forward, such as Diridon Station, ensure that the affordable housing requirements are met on site and not elsewhere in the City.
6. If San Jose’s Inclusionary Zoning Ordinance does not support rental units, consider a Commercial Linkage fee as a way for new jobs to support the workers who will fill those jobs.

According to Working Partnerships’ report, Life in the Valley Economy 2010, “Approximately 31.6% of all Silicon Valley workers are paid \$15/hour or less.” Additionally, a July 2011 article in the Wall Street Journal stated that, “Rent levels rose fastest in San Jose, CA. to \$1,501.” (attachment 1)

**RESPONSE 58-B:** As this comment acknowledges, San José has an excellent record of providing affordable housing throughout the community. This has included affordable housing development immediately adjacent to LRT stations. While changes such as those occurring with redevelopment agencies may influence financing for affordable housing in the future, there is at this time no reason to assume that San José would cease to plan for and ensure the implementation of affordable housing in the future, as reflected in Affordable Housing Policy AH-2.2.

The studies about relationships between income, car ownership, transit use, and gentrification have not found clear trends that would necessarily warrant retaining “affordable housing” in areas planned for new mixed use high density development. Car ownership is linked to a number of factors in addition to income, including household size and home ownership, at least in California, and many of the studies are old, limited in scope, and/or not relevant in California.

Data compiled by the U.S. Department of Transportation’s Bureau of Transportation Statistics compares factors influencing car ownership:  
[http://www.bts.gov/publications/transportation\\_statistics\\_annual\\_report/2003/html/chapter\\_02/figure\\_032.html](http://www.bts.gov/publications/transportation_statistics_annual_report/2003/html/chapter_02/figure_032.html)

In a statewide study, data for the Bay Area from the 1990 census found that homeowners, even those with an income less than 10 percent of the median, generally have a car.<sup>7</sup> Renters with similar income are less likely to have a car. Rather than rely on income only, San José will continue to evaluate multiple factors in planning transit oriented development and affordable housing.

The policy recommendations in this comment are acknowledged but the proposed General Plan includes appropriate measures in the policies proposed to maintain affordable housing supplies consistent with the City’s recent past experience. Retaining any existing affordable housing near planned transit is not necessarily a wise policy, particularly since it may be substandard.

**COMMENT 58-C:** Transportation

Envision 2040 has very ambitious mode split goals, proposing that the percentage of trips made by bicycle will increase from 1.2% in 2008 to at least 15% in 2040 while the number of those driving alone will decrease from 78% to no more than 40%. San Jose should be applauded for pursuing these goals and Greenbelt Alliance enthusiastically supports these mode splits as well as the 40% reduction in VMT over the life of the Plan. However, very aggressive policies and land use patterns will be needed to achieve these targets. Planning for a sustainable, equitable future is one thing. Implementing the goals to get San Jose to that future is another. Envision 2040 is the roadmap to show residents, developers, elected officials and advocates what needs to happen to get us to this

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<sup>7</sup> *Parking and TOD: Challenges and Opportunities*; Caltrans. February 2002.

future. Achieving these goals will have numerous benefits to San Jose’s residents, including improved health as a result of more trips being made on foot or by bike and less by car.

However, at the moment, the Draft EIR states that “With the projected increase in vehicle miles traveled, beyond or above the growth in population and employment, impacts associated with increased emissions of criteria pollutants would remain significant and unavoidable.”

Greenbelt Alliance challenges the notion that this is unavoidable. The location of future employment lands coupled with expanding vehicle capacity on roadways creates a situation that necessitates driving and makes it as easy as possible. This endorsement to increase automobile capacity through road supply generates induced demand for more drivers on the road and is working directly against the City’s goals of reducing automobile emissions. On page 244-245 of the draft EIR, the number of multimodal streets is 12. The number of streets with expanded capacity is 27. Over twice as many streets will add vehicle capacity than will decrease it.

Greenbelt Alliance notes some discrepancies between the tables on page 244-245 and Figure 3.2-5 on page 240. There appears to be more streets designated for downsizing on the map than appear on the multimodal table. The map of Proposed Network Changes in Figure 3.2-5 should more closely reflect the street segments listed in Table 3.2-10 to ensure there is no conflict of Protected Intersection development with Expanded Roadway Capacity. Also, why is the Alameda’s future downsizing not reflected in the table?

**RESPONSE 58-C:** San José’s goals in this General Plan are ambitious, and their achievement will take some substantial changes in behavior to accomplish. As discussed on page 859 and elsewhere in this document, San José is unable to quantify specific mitigation and avoidance measures that could reduce significant impacts associated with traffic and vehicular emissions to a less than significant level. In the absence of tools to quantify the effects of the behavior changes advocated in this comment, the analysis takes a conservative approach. The opinion in this comment is also based on an error in the text, and an erroneous conclusion regarding information in the Draft PEIR.

Figure 3.2-5 is not clear and may be misleading and is therefore deleted in the proposed revisions to the Draft PEIR (see Section 5). Tables 3.2-7, 3.2-8, 3.2-9, and 3.2-10 list all of the changes to the major roadway network proposed and compare the changes to both the *San José 2020 General Plan* and existing conditions.

All of the four tables represent some changes to roadways that are in the existing General Plan and the proposed *Envision San José 2040 General Plan*. Disregarding the changes in interchanges (additions or deletions), the proposed changes include 106 reductions in roadway capacity proposed by *Envision 2040* compared to the *San José 2020* plan. Some of the changes are for deletions of a specific road from the General Plan network, which effectively reduces its importance in the City’s transportation system. There are 31 changes to roadways that would reduce roadway capacity compared to existing conditions.

The reference in the comment to 27 streets with expanded capacity is apparently based on the number of roadways listed in Table 3.2-10. With one exception, all of the roadways listed on that table are still shown at the same capacity that they have in the existing General Plan – the “expansion” is relative to their existing capacity. The exception is Skyport Drive, whose expansion and extension over the freeway is proposed to provide an improved connection from North San José to the airport.

Many of the streets listed in this table are already partially widened and the “expansion” is completion of the planned roadway network in developed areas of the City (such as Berryessa Road, King Road, Senter Road, Zanker Road and others). Santa Teresa Boulevard is shown as six lanes in North Coyote Valley, but its planned width is reduced from six lanes to two lanes at the UGB, which is one of the 27 changes in Table 3.2-10.

The comment apparently used the number of streets listed in Table 3.2-9 for the conclusion about the number of planned multi-modal streets. The planned multi-modal streets in the Envision 2040 General Plan include *all* streets with *Grand Boulevard*, *On-Street Primary Bicycle Facility*, and *Main Street* designations and are not limited to those streets that are listed in Table 3.2-9. Table 3.2-9 lists only those streets requiring physical modifications to reduce travel lanes in order to install multi-modal street improvements. The City of San José embraces “Complete Streets” in the General Plan Update. Future street improvements will follow adopted policy to make streets safe, comfortable, and attractive to all road users and for all modes of transportation. All General Plan streets qualify as multi-modal streets, whether they are in Table 3.2-9 or not.

The concept of a two-lane layout for The Alameda was raised in public meetings for “The Alameda – A Plan for The Beautiful Way” project. The two-lane layout was not selected for implementation presently because of potential traffic circulation concerns in surrounding areas. Concerns include the traffic it currently carries and the businesses it serves, and the likelihood of significant impacts on intersection Levels of Service, adjacent streets, and surrounding neighborhoods. Appropriate analysis will require thorough evaluation and understanding of impacts on specific intersections, adjacent streets, and neighborhood traffic circulation. Analysis at this scale is beyond the scope of a General Plan level traffic analysis.

**COMMENT 58-D:** Figure 3.2-5 on page 240 shows which streets will be increased and which decreased by one or more lanes per direction. Zanker Road in the North San Jose area will be widened. This area has eleven light rail stations and is proposed to add a strong mix of homes, jobs and shops. Widening Zanker does not support transit-oriented development in North San Jose. Autumn Street just east of Diridon Station is planned to be widened from two lanes to four lanes. Diridon Station is one of the most transit-rich stations in the Bay Area; expanding roadways through it (and adjacent to the Guadalupe River and Los Gatos Creek trails) does not support transit-oriented development at Diridon Station. A new four lane road will open up Almaden Ranch just south of Branham Lane; an area proposed for auto-centric regional retail uses. The above actions encourage driving and discourage cycling and walking.

**RESPONSE 58-D:** Zanker Road is one of two major connections from North San José to SR 237, which connects to I-880 and I-280. The northerly segment to be widened (in Table 3.2-10) should have read between US 101 and SR 237. It will also connect to the airport via the planned Skyport flyover. Zanker Road currently also provides access to a major bus barn (Cerone) for the Valley Transportation Authority.

The segment of Autumn that is referenced in Table 3.2-10 is the missing piece that will carry some of the traffic for Downtown and two planned stadiums (baseball and soccer). Autumn is already four lanes for most of its existing length (albeit, as a one-way couplet paired with Montgomery Street) and then becomes four-lane Bird Avenue. The substantial level of intensification proposed for Downtown and the Downtown Frame area warrants completion of the Coleman/Autumn widening in addition to the significant transit system

improvements. Coleman/Autumn will also carry more of the traffic into Downtown if The Alameda is reduced in size.

The reference to “a new four lane road” south of Branham Lane is unclear and no response can be provided.

**COMMENT 58-E:** Figure 3.2-6 on page 249 shows all the protected intersections in San Jose. A comparison of this map to the one on page 240 highlights how policies can be inconsistent: A protected intersection and a roadway expansion occur in the same vicinity of West San Carlos and Meridian. While the protected intersection policy is a good one, using it sparingly does not achieve the mode split targets San Jose is striving for.

**RESPONSE 58-E:** Figure 3.2-5 should be disregarded since it is difficult to understand and is partially incorrect (it is deleted entirely in Section 3.5 Revisions to the Text of the Draft PEIR).

The segment of San Carlos that is proposed to be expanded is the segment that connects to the freeway. The “protected intersection” referenced is a mile away. Protected Intersections are specific exceptions to the City’s Level of Service Policy, not intended to be used indiscriminately.

**COMMENT 58-F:** Table 3.2-14 on page 270 shows that with the proposed Envision 2040 General Plan policies, the percent mode share increase in bicycle trips is 1% for a total of 2% of all trips made by bike. This is evidence that stronger, more holistic bicycle measures are necessary.

**RESPONSE 58-F:** This represents the letter writer’s opinion. As stated on page 275 of the Draft PEIR, the transportation model measures the effects of physical land use patterns. Aggressive implementation of the new hierarchy of policies listed on pages 271-274 of the Draft PEIR could result in much greater progress in the use of alternate transportation modes than what the model identifies. Because there are not, at this point in time, analytic tools available that will accurately predict the influence of these policies on human behavior, it will be necessary as part of the four-year General Plan reviews, to update progress made and evaluate what is happening in real time.

**COMMENT 58-G:** Greenbelt Alliance is concerned that the Plan’s emphasis on more jobs than homes and significant roadway expansions will negate the balanced transportation goals of Envision 2040. San Jose is moving in the right direction, but this is a 30-year plan. In the next three decades the effects of climate change, an aging population, a new economy and rising healthcare, energy and food costs will be very apparent. Now is the time for San Jose to prepare residents for these changes and Envision 2040 is the blueprint. More must be done to make a shift away from auto-dependence. Greenbelt Alliance has the following questions and suggested mitigations:

1. Will the Protected Intersection Policy be applied citywide to support multimodal development? San Jose should make the Protected Intersections approach the rule. Currently, the City uses this policy as spot zoning. Specifically:
  - Every intersection in Planned and Identified Growth Areas should be allowed to exceed automobile Level of Service D, and
  - Every project in Planned and Identified Growth Areas should construct improvements to the city’s non-auto transportation system, rather than expand road capacity at a given intersection, regardless of the current LOS at that intersection (e.g. even intersections that

currently operate at LOS A, B, or C should not be expanded if a new project will cause their LOS to deteriorate).

**RESPONSE 58-G:** There is no proposal to abandon the City’s Transportation Level of Service Policy at this time by making all intersections “Protected”. There is also no proposal within the *Envision San José 2040 General Plan* to abandon the City’s planned roadway system. Protected Intersections are defined by Council Policy 5-3 as intersections within Special Planning Areas for which no further physical improvements are planned. City staff is aware of development of new transportation methodologies. The following policy is included in the General Plan to address a possible future implementation of multi-modal analysis:

TR-1.14 When useful and effective measurement tools have been established by the Institute of Transportation Engineers, develop multimodal level of service (LOS) standards that address all travel modes and include them in the City’s Transportation Impact Analysis (TIA) guidelines. Multimodal LOS standards should vary by facility type, travel mode, and location, and should establish a preference for selected modes based on the street type and/or location.

The Level of Service policy does not require improvements to intersections that are not projected to deteriorate below LOS D, in other words, to operate in excess of their capacity.

**COMMENT 58-H:** 2. Consider adopting the Multi-Modal Level of Service approach to traffic analysis that provides a comprehensive perspective on the interactions of Automobiles, Bicycles, Pedestrians and Transit and the condition the City’s transportation network. Improved evaluation of the speed, convenience, comfort and security of transportation facilities as experienced by users can better inform the City on success and challenges to delivering a suite of attractive public and physically active transportation options. This works towards achieving reduced emissions targets from pervasive automobile use and promoting the health of San Jose residents by encouraging more walking and cycling.

**RESPONSE 58-H:** City staff continually monitors and evaluates new tools and analytic models, including ongoing efforts to better characterize the performance of multiple transportation modes. The current Level of Service policy and the new model used to evaluate the *Envision San José 2040 General Plan* are representative of substantial improvements to the tools used since adoption of *GP ’75* in 1976. In addition, multi-modal level of service is generally applied on a location-specific basis (i.e., at intersections) based on the required data inputs, and is not applicable for a general plan-level analysis. *Envision San José 2040 General Plan* includes a host of policies and implementation measures designed to expand and enhance multi-modal travel within the City.

**COMMENT 58-I:** 3. Does San José’s Travel Demand Forecasting (TDF) model take into consideration rising gas prices and the cost of parking? Mode choice is the third step in the modeling process, where a determination is made about which transport mode a person will choose for each trip. If a wide street currently has no bike lanes or sharrows, will this lead to a determination that the mode choice in this instance or location is a car, therefore leading to a travel demand forecast of more driving? Can San José’s TDF model include inputs for foreseeable changes on the horizon, such as \$5/gallon for gas or parking lots being redeveloped as townhomes? The TDF model must account for the viability of free parking. These issues influence travel behavior and residents will be

better served in the future if roadway improvements today focused on walking, cycling and supporting transit.

**RESPONSE 58-I:** As described in Section 3.2.3.2 starting on page 255, San José has worked with regional planning agencies to develop a model that nests within the regional models developed by the Metropolitan Transportation Commission and the Valley Transportation Authority. The model does not, at this time, take into account rising gas prices or the cost of parking. The General Plan does not propose that San José unilaterally use parking regulations as a means of controlling traffic. Such policies or regulations may, however, be agreed to by all jurisdictions in the County in the future – possibly as part of a countywide deficiency plan or an equivalent program.

As stated in the Draft PEIR, there is currently no model available that can also reflect most of the behavior modifications that proposed policies are intended to influence. The Draft PEIR acknowledges that the success of these proposed policies will be difficult to quantify in the near term (page 261). It is anticipated that future reviews of the General Plan may be able to rely on more sensitive tools, increased data sources, and can be verified by real world experience. The *Discussion of VMT Impacts* starting on page 268 acknowledges the limitations of the analysis.

It is not meaningful to say that the TDF model “must” account for factors that it does not and cannot account for, especially since the City is explicitly deferring parking controls to Tier II. In addressing a General Plan Update for a City of almost a million residents, it would also not be meaningful to focus entirely on future behaviors and disregard existing levels of congestion and its associated environmental impacts. Roadway improvements must also provide reasonable transportation options for existing residents who must drive to work in other communities.

**COMMENT 58-J:** 4. Create Parking Benefit Districts throughout the City, especially in urban villages and near transit stations. Charge performance based prices for curb parking and return the revenue to the neighborhood to pay for improvements, such as graffiti removal, streetscape improvements and landscaping. Making the true cost of parking more apparent will influence travel behavior. This in turn will affect the TDF model which could forecast a preference for other travel modes. As a result, funding decisions in favor of walking and cycling would be made. An increase in protected intersections combined with a program to manage parking assets supports a safer, more accessible and attractive pedestrian and bicycle realm.

**RESPONSE 58-J:** As stated on page 866 of the Draft PEIR, implementing parking strategies such as reducing parking, charging employees and customers for parking, and parking “cash out” programs for employees were not included in the first tier (near term) of implementation of the General Plan. To do so would be inconsistent with several of the basic objectives of the project, particularly increasing the jobs/employed resident ratio for fiscal sustainability of the Plan. These strategies are likely to be important tools in the future, however.

**COMMENT 58-K:** 5. Add Action TR 8.10 as one to be achieved under Tier 1 Reduction of Vehicle Miles Traveled Policies and Actions. Plentiful, free parking skews travel choices in favor of the car. Progressive parking policies must be considered as a way to achieve a 10%-40% reduction in VMT over the next three decades. The California Air Pollution Control Officers Association (CAPCOA) prepared the report, *Model Policies for Greenhouse Gases in General Plans*. They

suggest and Greenbelt Alliance echoes the following policies as a way to reduce the greenhouse gas emissions from cars and trucks:

5.1.1 Reduce the available parking spaces for private vehicles while increasing parking spaces for shared vehicles, bicycles, and other alternative modes of transportation;

5.1.4 Use parking pricing to discourage private vehicle use, especially at peak times;

5.1.6 Establish performance pricing of street parking, so that it is expensive enough to promote frequent turnover and keep 15 percent of spaces empty at all times;

TR-5.3 Parking “Cash-out” Program: The City/County will require new office developments with more than 50 employees to offer a Parking “Cash-out” Program to discourage private vehicle use.

**RESPONSE 58-K:** Please see the response to the previous comment.

**COMMENT 58-L:** An increase in VMT leads to an increase in greenhouse gas emissions. It also leads to significant health impacts. A recent study out of Canada found that cyclists had heart irregularities in the hours after their exposure to a variety of air pollutants on busy roads. *“Our findings suggest that short-term exposure to traffic may have a significant impact on cardiac autonomic function in healthy adults,”* the scientists from Health Canada, Environment Canada and the University of Ottawa wrote in the journal *Environmental Health Perspectives*. If San Jose is proposing to add capacity to roadways, then the health impacts to cyclists and pedestrians exposed to vehicles must be considered.

Greenbelt Alliance suggests the following policy:

6. Provide grade separated bicycle lanes where overlap occurs with high auto trip roadways. A study of bike lanes in Portland, Ore., showed that lanes separated by planters actually decreased cyclists' air pollution exposure. The following comes from the Bay Area Air Quality Management District's Community Air Risk Evaluation Program:

“In the Bay Area, diesel particulate matter (PM) accounts for about 80% of the cancer risk from airborne toxics....Diesel PM consists of primarily fine particles. In addition to the toxic effects of diesel PM, all fine particulate matter also aggravates heart and respiratory disease, including asthma. Major sources of diesel PM include on-road and off-road heavy duty diesel trucks and construction equipment. The highest diesel PM emissions occur in the urban core areas of eastern San Francisco, western Alameda, and northwestern Santa Clara counties.”

The map on page 370 shows areas of San Jose that are in the top 25% Quartile of toxic air contaminants (TAC) exposure.

**RESPONSE 58-L:** San José is a City that is physically almost entirely built out. Travel lanes are being considered for elimination on some streets in order to allow the creation of bicycle lanes and/or expanded sidewalks and/or transit. The concept of grade separating bicycle lanes from travel lanes is being evaluated by City staff for possible implementation along On-Street Primary Bicycle Facilities identified in the *Envision San José 2040 General Plan*. However, there is no specific project identified or funded for such features at present time.

**COMMENT 58-M:** Greenbelt Alliance suggests the following policy changes and would like to echo the suggested changes made by the American Lung Association of California in their letter:

7. Policy TR-8.6 ~~Allow~~ Require reduced parking requirements for mixed-use developments and for developments providing shared parking....
8. Action TR-10.1 ~~Explore development of a program for implementation as part of Tier II,~~ Develop policy to require that parking spaces within new development in areas adjacent to transit and in all mixed-use projects be unbundled from rent or sale of the dwelling unit or building square footage.
9. Action TR-10.3 ~~Encourage participation~~ Facilitate car sharing programs ~~for new development in identified growth areas.~~ throughout the city.
10. TR-1.8 Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emissions standards are met. Prioritize investments in bicycle and pedestrian facilities in low-income communities, which are less likely to have access to a private automobile, and thus more likely to be dependent on walking and bicycling for transportation.

**RESPONSE 58-M:** San José is not proposing to change parking requirements in Tier I for the reasons stated in Response 58-J. The suggested edit for car sharing is incorporated into the text. Most bicycle and pedestrian facilities are financed by grant funding. Grant funding is usually sponsored by Federal, State, regional, and local agencies, and has special criteria or stipulation for project selection. The priority order for bicycle and pedestrian projects is determined on a year by year basis and uses a number of criteria with enough flexibility to meet the intent of the funds, create the largest benefit, and provide overall City connectivity.

**COMMENT 58-N:** 11. Greenbelt Alliance also sees opportunities to enhance the bicycle network by connecting remaining gaps in Primary Bikeways to encourage a complete network (attachment 2):

#1-Leigh Ave

- Connect Leigh Ave to Los Gatos Creek bikeway

#2-Santa Theresa Blvd

- Connect Santa Theresa Blvd at Coleman Rd

#3-Ocala Rd

- Connect S. King Ave to E. Capitol Expy

#4-Hedding Rd

- Connect Berryessa Rd to Guadalupe River bikeway
- Connect to N. Winchester Blvd

#5-Lawrence Expy

- Expand south down Quito Rd

#6-N. Winchester

- Connect Williams Rd along N Winchester
- Connect to Homestead Rd to Lafayette St to De La Cruz Blvd/Coleman Ave bikeway

#7-N. Capitol Ave

- Connect between Coyote Creek Trail and Penitencia Creek Trail

**RESPONSE 58-N:** These revisions were not included in the proposed project, were not evaluated by this EIR, and were not available for review by the interested neighborhoods.

The suggestions are acknowledged and will be evaluated individually as part of future updates of the trails Master Plan.

**COMMENT 58-O:** It should be noted that on page 807, the DEIR finds that, *“the City’s projected 2035 GHG emissions, without further reductions, would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon-efficiency standard necessary to maintain a trajectory to meet statewide 2050 goals as established by Executive Order S- 3-05.”* Executive Order S-3-05 establishes a target that by 2050, greenhouse gas emissions are reduced to 80% below 1990 levels. This is considered a significant impact and can be attributed to excess in-commuters from increased job production.

**RESPONSE 58-O:** The foregoing comments include the letter writer’s concurrence with information in the PEIR and reflect opinions regarding the project, the *Envision San José 2040 General Plan*. As discussed on page 824 of the Draft PEIR, achieving the substantial emissions reductions needed beyond 2020 to reduce the projected 2035 GHG emissions impact will require a multiple-pronged approach that includes policy decisions at the federal and state level and substantially advanced technologies that cannot be anticipated or predicted with any accuracy at this time. This caveat applies to modifications of existing land uses as well as projected growth.

**COMMENT 58-P:** Open Space

Envision 2040 intends to preserve a permanent greenbelt of open space and natural habitat along the city’s edges. The City proposes no development in either urban reserve over the life of the General Plan and recognizes wildlife movement in Coyote Valley. San Jose must be commended for focusing on infill development to accommodate projected growth as a way to protect surrounding open spaces. These open spaces range from Prime Farmland to scenic hillsides to wildlife and creek corridors. These are natural assets San Jose already has that contribute to residents’ high quality of life.

While the Coyote Valley Urban Reserve is off limits to development over the life of Envision 2040, North Coyote Valley is slated for future jobs at any time. The DEIR notes that the loss of Prime Farmland is a significant unavoidable impact, since *“the protection of other existing farmland, such as through the use of agricultural easements or outright purchase, would not be considered mitigation under CEQA because the net result of such actions would still be a net loss of farmland acreage.”* There are approximately 957 acres of Prime Farmland in North Coyote Valley.

The DEIR discusses agricultural conservation easements as an implementation tool to protect farmland. Several times, the DEIR refers to mitigation for farmland that is not planned for urbanization in the timeframe of Envision 2040 and that lands that are planned for urban development, like North Coyote Valley, have been designated for urban uses within the City’s Urban Growth Boundary for many years. A number of North Coyote Valley properties have existing entitlements that are due to expire. What is unclear is whether development in North Coyote Valley will trigger an agricultural mitigation program where Prime Farmland elsewhere in San Jose or South Santa Clara County will be protected. Will this be considered when existing entitlements expire? While North Coyote Valley is already annexed into San Jose and does not need to go through LAFCO’s agricultural mitigation program, the loss of Prime Farmland is a significant impact that must still be mitigated.

**RESPONSE 58-P:** As discussed in Response E-2, the PEIR identifies (in Section 3.1.4.1) conservation easements on existing farmland as an offset that could be required of development that eliminates agriculture on prime farmland. The discussion also acknowledges that conservation easements on other agricultural land does not mitigate the loss of the farmland, since it does not reduce or avoid the loss, nor does it replace the farmland – it just protects some other farmland somewhere else from being lost. The San José City Council, as decision makers, could consider agricultural conservation easements whenever new entitlements are proposed in the future. (Most of the agricultural land within the USA already has entitlements, although as stated in this comment, some of the PD Permits and Development Agreements are due to expire. The Planned Development zoning on the properties does not expire.) The decision to require that development proposed on existing agricultural land provide a conservation easement on other agricultural land is a policy decision.

**COMMENT 58-Q:** Additionally, while Envision 2040 recognizes that wildlife passes through Coyote Valley, it fails to find the development of North Coyote Valley as a significant impact. There is some discussion on page 474 that recognizes that,

*“Future development and infrastructure improvements allowed under the General Plan would make it more difficult for mammals to move across Coyote Valley in a west-east or east-west direction. This would be a result of new development on both sides of Bailey Avenue from the west side of Coyote Valley east to Monterey Road, increased traffic from new development in North Coyote Valley, and widening of Santa Teresa Boulevard on either side of the Fisher Creek crossing.”*

It goes on to say that,

*“The importance of the landscape linkage across northern Coyote Valley in supporting regional populations of animals has been recognized within the last 10 years, as documented in the draft HCP/NCCP. Even though development allowed under the General Plan will not completely eliminate wildlife movement across Coyote Valley, new impediments to successful dispersal across the valley, including development allowed by this General Plan, could result in a substantial impact to regional wildlife movements in the vicinity of Bailey Road.”*

However, with various mitigations in place, the DEIR finds this to be a less than significant impact. A series of draft maps from Science and Collaboration for Connected Wildlands shows Coyote Valley, and in particular North Coyote Valley, as the preferred route for wildlife crossings. Mountain lions, bobcats, badgers and more cross between the Santa Cruz Mountains and Mount Hamilton Range. (attachment 3,4)

One of the projects of Science and Collaboration for Connected Wildlands is the Bay Area Critical Linkages. In March 2009, a task force was convened to:

*“explore the need and feasibility of identifying and protecting critical linkages within the San Francisco Bay Area eco-region and connections to adjacent eco-regions. The task force identified several proposed linkage planning areas that could be irretrievably compromised by development projects in the next decade unless immediate conservation actions occur. The Critical Linkages project will fine tune the (Bay Area Open Space Council’s) Upland Habitat Goals conservation lands network to insure functional habitat connectivity at a regional scale. This large wildland network will serve as the backbone of a regional conservation strategy.”*

Additionally, De Anza College’s Wildlife Corridor Technician Program finds that North Coyote Valley is a significant component to the Coyote Valley wildlife corridor, with Mid Coyote Valley being the primary corridor. Internationally recognized conservation biologists and corridor experts Dr. Reed Noss and Dr. Paul Beier recommend wildlife corridors to be at least 2 kilometers wide, on average, and state, “*In our opinion, protecting and restoring functional wildlife movement corridors between the Diablo Range and Santa Cruz Mountains is a high priority locally, regionally, and statewide.*” (attachment 5)

North Coyote Valley is a critical piece in this larger vision of wildlife connectivity and habitat, and development of this site will be a significant impact that the DEIR fails to recognize. In fact, Policy ER-7.7, “*Include barriers to animal movement within new development and, when possible, within existing development, to prevent movement of animals (e.g., pets and wildlife) between developed areas and natural habitat areas where such barriers will help to protect sensitive species*” has good intentions, but could create a barrier to wildlife movement through North Coyote Valley.

**RESPONSE 58-Q:** Under the proposed General Plan, urban development would be allowed in North Coyote Valley, but not in Mid-Coyote Valley. This is a change from the existing *Focus on the Future 2020 General Plan*. Maintaining the rural character of Mid-Coyote Valley would allow for continued wildlife movement through this primary corridor, similar to existing conditions.

As noted in Response 55-K and Response 66-D, the proposed project also includes several policies and an action that address wildlife movement and roads in North Coyote Valley. As listed on pages 476-477 of the Draft PEIR, Policy ER-8.2 requires the design of new or improved existing roads to allow wildlife to continue to move across them and Action ER-8.4 specifically addresses facilitating the movement of wildlife across Coyote Valley by replacing portions of the median barrier on Monterey Road. Please also refer to comments made by the De Anza Wildlife Team (Letter 57).

The development allowed in North Coyote does not include residential uses with pet populations that could affect natural habitat areas. Policy ER-6.7, therefore, would not apply to North Coyote Valley other than to limit animals from entering areas that could pose hazards to wildlife (such as trash enclosures or mechanical equipment areas).

**COMMENT 58-R:** Greenbelt Alliance has the following questions and suggests the following mitigations and changes to Envision 2040:

1. Adopt a citywide agricultural mitigation policy for Prime Farmland that is slated for urban development. This can be used to protect Prime Farmland in other parts of Coyote Valley.

**RESPONSE 58-R:** The foregoing reflects a recommendation regarding the project, the *Envision San José 2040 General Plan*. The comment implies but does not say that Prime Farmland within the USA and UGB be required to provide mitigation by protecting Prime Farmland in “other parts of Coyote Valley”, which is assumed to mean Mid-Coyote and the as yet un-entitled farmland in North Coyote Valley.

The PEIR discusses use of conservation easements to protect farmland and identifies the loss of agricultural land within the urban area and North Coyote Valley as a significant impact. This comment does not identify any feasible mitigation measure that could be used to protect the farmland in other parts of Coyote Valley which are not slated for urban development at

this time. It is, therefore, not clear what a “citywide agricultural mitigation policy” would say.

**COMMENT 58-S:** 2. Why is Santa Teresa Boulevard being widened in Coyote Valley? This seems like a costly and unnecessary infrastructure improvement that does not support wildlife crossing nor a reduction in VMT.

**RESPONSE 58-S:** The planned capacity of Santa Teresa Boulevard within the USA is intended to accommodate traffic from existing and planned development, including a substantial quantity of development already approved in North Coyote Valley. Its planned width is reduced at the edge of the USA.

**COMMENT 58-T:** 3. Include Policy IN-1.11, “*Locate and design utilities to avoid or minimize impacts to environmentally sensitive areas and habitats*” as mitigation for impacts to wildlife movement in Coyote Valley as discussed on page 477 of the DEIR. Facilities in North Coyote Valley should incorporate habitat design that facilitates the movement of wildlife along the east-west corridor, especially along the urban reserve’s northern border.

**RESPONSE 58-T:** Policy IN-1.11 has been added to the list of policies in the General Plan that limit impacts to wildlife movement (see Section 5 Revisions to the Text of the Draft PEIR).

**COMMENT 58-U:** 4. Add ER-8.5 which states: *Identify and protect critical linkages in the Coyote Valley floor, especially in Mid Coyote Valley, as the Coyote Valley Critical Linkages for Wildlife.*

5. Encourage the acquisition and protection of key parcels in North, Mid and South Coyote Valley to maintain connectivity.

**RESPONSE 58-U:** Wildlife movement in San José is described and policies to minimize adverse effects of future development on wildlife movement are included in the proposed General Plan. A range of studies, including work done or referenced in the draft Santa Clara Valley Habitat Conservation Plan, have identified corridors used by wildlife between the Santa Cruz Mountains and the Diablo Range. Work in this area is continuing and will be considered as future development is proposed within the City’s jurisdiction.

**COMMENT 58-V:** For lands outside the UGB, it is important that they remain as undeveloped open space. There was some discussion at the Task Force that uses such as cemeteries and golf courses will be needed. Lands outside the UGB play an important role as natural infrastructure, cleaning our air and water. While technically ‘open’, golf courses can be extremely harmful on the environment and are definitely a form of development. To that end, we recommend the following change:

6. Strengthen Policy LU-19.10, which seeks to preserve the non-urban character of lands outside the Urban Growth Boundary, as follows: “*e) For non-agricultural land uses, disturb no more than 10% of the total site area through grading, changes to vegetation or other development activity.*”

**RESPONSE 58-V:** As written, this policy requires that 90% of such sites be maintained as open space but does not address the area of site disturbance. Additional policies included

within LU-17, LU-18, and LU-19 discourage the disturbance of lands outside of the UGB. Policy LU-19.8 specifically limits new development to projects that will not have a significant direct or indirect environmental impact upon sensitive habitat species, special status species, geologic hazard avoidance, or the visual environment. One goal of the proposed Plan is to allow for the potential development of cemeteries and golf courses outside of the UGB and also to address the existing development of the latter. As part of the Envision Task Force recommendation, alternative language that would further restrict development outside of the UGB will be forwarded to the City Council for their consideration along with the proposed Plan.

**COMMENT 58-W:** Conclusion

Greenbelt Alliance very much appreciates being a part of the Envision San Jose 2040 process and believes this to be a model General Plan in many ways, including how it touches on the health benefits of increased walking and cycling and access to healthy foods, parks and trails. Our above comments, questions and suggestions reflect our desire to strengthen this Plan even more so it may be touted across the State as a landmark document. Greenbelt Alliance is also committed to ensuring this Plan is implemented according to the community's vision for a sustainable, equitable and healthy San Jose. San Jose has already demonstrated leadership on many fronts and we believe the City can become a regional and statewide leader on sustainable land use. We recognize that this will not be easy, and look forward to finding ways to support San Jose on this journey.

**RESPONSE 58-W:** As part of a letter commenting on the PEIR, this comment will be included in the Final Program EIR. No other response is required.

**59. RESPONSES TO COMMENTS FROM GREENBELT ALLIANCE ET AL., DATED AUGUST 15, 2011.**

**COMMENT 59-A:** On behalf of Greenbelt Alliance, the Loma-Prieta Chapter of the Sierra Club, San Jose Cool Cities, Silicon Valley Leadership Group, Committee for Green Foothills, Working Partnerships, USA, and The Health Trust, we are writing to thank the City of San Jose for this opportunity to comment on the Draft Program Environmental Impact Report (DEIR) for the Envision San Jose 2040 General Plan.

In many ways, this General Plan is a model that focuses on urban villages and corridors, infill development near transit, ambitious mode split targets and improved public health. Our comments below reflect our desire to strengthen Envision 2040 even more and support San Jose on its path to becoming a more sustainable, equitable and healthier City.

Jobs-Housing Ratio

The environmental review acknowledges that significant environmental impacts result from the possibility of a Jobs to Employed Residents Ratio that exceeds 1:1 (see, e.g., Impact PH-1 and Impact TRANS-1, among others). The City has acknowledged that one reason for these impacts is not that it intends and prefers the highest possible J:ER ratio, but that it seeks to maximize the jobs capacity to increase the current J:ER ratio which is significantly below 1:1.

Accordingly, our organizations jointly recommend an additional mitigation: for purposes of avoiding environmental impacts or delaying environmental impacts, the City should require orderly development that prioritizes a J:ER ratio of 1:1 as long as housing is available to match job growth. We recognize that ultimately job growth could exceed housing capacity, but this mitigation would at least postpone the impacts associated with the excess of jobs over housing, and postponing the impacts are feasible means of partially reducing their scale.

**RESPONSE 59-A:** The foregoing comments reflect opinions and recommendations regarding the project, the *Envision San José 2040 General Plan*. An alternative to the proposed project, the Scenario 3: ABAG Projections Alternative, includes a projected jobs to employed residents ratio of 1.1 and is described in Section 8.0 Alternatives to the Proposed Project of the Draft PEIR. As noted on page 883 of the Draft PEIR, this project alternative is projected to result in slightly fewer Vehicle Miles Traveled (VMT) and lower VMT/capita and VMT/Service Population ratios. Consistent with this comment, the lower J:ER ratio may incrementally reduce some of the significant impacts of the project. This alternative may be considered by the City Council.

The proposed General Plan includes implementation policies that address orderly growth as assessed in annual and Major Reviews. Including a milestone that would limit job growth as a part of planning horizons or tiers is not currently proposed but could be considered by the decision makers, since the proposal would be a variation of a project alternative.

It should be noted that the City of San José experiences cycles, usually tied to economic and market conditions, in which housing construction expands substantially, followed by similar “boom” periods for commercial and/or industrial development.

**COMMENT 59-B:** As a result of pursuing a J:ER ratio of 1.3:1, more people will be commuting into San Jose for work, exacerbating a regional housing problem. This combined with the fact that

the DEIR shows a decrease in the percentage of jobs within walking distance of transit has a significant impact on Vehicle Miles Traveled (VMT).

Additionally, San Jose proposes to expand vehicle capacity on a number of roadways which makes driving more convenient, inducing demand for more drivers on the road. This works directly against the City's goals of reducing automobile emissions.

**RESPONSE 59-B:** This comment disregards the context discussion associated with the percentage decrease in jobs planned near transit. The total number of jobs that will be near transit will *increase* under the proposed General Plan, as will the number of residents near transit. While there are currently no plans to extend transit services into some of the planned employment areas, it would be consistent with current policies and past practices to extend transit into some of those areas in the future, *after* a substantial percentage of planned development occurs (since transit systems are rarely extended into underdeveloped areas).

Regarding the proposal to expand vehicle capacity on “a number of roadways”, as shown on Tables 3.2-7, -8, -9 and -10, the City is proposing to *reduce* the capacity of more roadways compared to either planned conditions or existing conditions, than are proposed for an increase in capacity. Careful attention should be given to the details in all of the tables. Most of the “expansions” are completions of partially built road systems and are identical to the existing *San José 2020 General Plan*.

**COMMENT 59-C:** Our organizations jointly recommend mitigation that prioritizes transit friendly job development and thereby provides limits on development in areas that do not have transit. Such prioritization of development in transit friendly areas over areas that do not have transit yet have agricultural value, such as Coyote Valley, also functions as mitigation that reduces the impacts on open space and prime farmland by reducing the pressure for immediate development of those areas.

The Jobs to Employed Resident ratios in the environmental review, for the highest ratios at least, are not intended results so much as foreseeable impacts described in the document. The environmental protections described in the document, by contrast, are expressly intended and planned. We urge the City to reaffirm these environmental protections and we will work to assist and ensure that the City is able to fulfill its commitment to put these policies in place.

**RESPONSE 59-C:** These comments include opinions and recommendations regarding the project, *the Envision San José 2040 General Plan*. While characterized as mitigation, there is no basis for believing that the proposed prioritization would reduce or eliminate any impacts. As described in Response F-4, the results of moving land use from one location to another to accomplish one purpose may result in unpredictable results.

**COMMENT 59-D:** Housing

We applaud the plan for establishing social equity as a planning goal including promoting quality job opportunities and an equitable park system. However, more can be done to support the plan's guiding principle of social equity.

The DEIR seems to treat lightly the potential for voluntary displacement as a result of new development at transit stations driving up prices. People will move further afield to places like Tracy in search of more affordable homes. This in turn forces people to commute back to the community in

which they may work. It is therefore critical that San Jose has strong affordable housing policies. San Jose has an excellent record in building affordable homes and we recognize that the future is uncertain when it comes to building more homes affordable to a range of incomes. That said, Envision 2040 is planning out to the year 2040 and the economy will go through many cycles.

We jointly recommend that strong protections are in place to preserve the existing affordable housing stock in transit zones, which provides people with access to opportunity. We also recommend that as large planning projects move forward, such as Diridon Station, that the affordable housing requirements are met on site, including for rental affordable housing.

**RESPONSE 59-D:** The recommendation that the City preserve existing affordable housing in transit zones is acknowledged. The recommendation is too broad for a specific response. For example, substandard housing, affordable only because it is substandard, may not be suitable for preservation. City policies also call for housing in a range of affordability categories at locations throughout the community.

The planning for each Urban Village will need to balance multiple objectives and constraints and will be evaluated for its consistency with a range of City policies (including General Plan Affordable Housing Policy H-2.2) and neighborhood concerns. The impacts of the proposed development or redevelopment will be assessed during the development of the Village Plan, during the legally required CEQA process, and through the project approval. The analysis will include implications for the existing and future affordable housing supply.

**COMMENT 59-E:** Transportation

Envision 2040 has very ambitious mode split goals, proposing that the percentage of trips made by bicycle will increase from 1.2% in 2008 to at least 15% in 2040 while the number of those driving alone will decrease from 78% to no more than 40%. San Jose should be applauded for pursuing these goals. However, Table 3.2-14 on page 270 shows that with the proposed Envision 2040 General Plan policies, the percent mode share increase in bicycle trips is 1% for a total of 2% of all trips made by bike. This is evidence that stronger, more holistic balanced transportation policies are necessary. As such, we support policies that prioritize walking, cycling and riding transit.

Our organizations recommend pursuing more aggressive complete streets and parking policies as a way to achieve the commendable and ambitious mode split targets, including a 40% reduction in VMT. This includes expanding the Protected Intersections Policy to all Planned and Identified Growth Areas and reducing the number of streets slated for expansion. Also, we encourage the consideration of Parking Benefits Districts that establish performance pricing of street parking and then return the revenues to the neighborhood.

**RESPONSE 59-E:** As discussed on page 268, traffic models are limited in what they can predict. This analysis is a very conservative one that emphasizes the adverse impacts for CEQA purposes, but cannot account for many “demographic, cultural, economic or urban design factors, all of which have been documented to influence the commute mode choices made by individuals living within an urbanized area”. Many of the policies in this new General Plan cannot be digitized and their influence is not reflected in the model output. The analysis in the General Plan acknowledges the limitations of existing analytic tools and identifies the importance of evaluating the City’s progress in the four-year reviews, including comparing reality to plans.

Regarding the expansion of streets, Table 3.2-10 (Group 4 Actions: Expanded Capacity) lists streets that will be expanded, but none of those streets are proposed to be wider than was assumed in the existing General Plan except for Skyport Drive. Their “expansion” represents additional lanes (usually for just part of their length) beyond their existing conditions because the streets have not yet been completed. This should be contrasted with Tables 3.2-7, 3.2-8, and 3.2-9 which identify the substantial number of streets that are proposed in the *Envision San José 2040 General Plan* to have fewer lanes than in the current General Plan.

It would not be either feasible or environmentally responsible to expand the Protected Intersections Policy to all of the planned growth areas without first evaluating the impacts of doing so on residential neighborhoods and on safe access to other areas. An EIR was done for the first expansion of the policy that evaluated the effects of not expanding each of the Protected Intersections, and that analysis will have to be done in the future for any expansion of the Protected Intersections Policy.

Parking Benefits Districts and other new approaches to regulating parking requirements may be considered as part of the Tier II efforts to address substantial changes in parking requirements and policies (see also the discussion on page 866 in Section 8.5 Selection of CEQA Alternatives).

**COMMENT 59-F:** Public Health

We commend San Jose for its leadership in including community health as a major theme in the draft General Plan. Recognizing the growing body of evidence showing the link between land use patterns and health outcomes, this plan lays out a strong commitment to promoting community health as San Jose grows over the next 30 years. In particular, the Plan’s emphasis on improving access to healthy food in low-income neighborhoods and access to medical services is thoughtful and visionary and can serve as a model for other communities looking to address health challenges as they grow.

We appreciate Envision 2040’s support for the development of a Community Risk Reduction Plan that will reduce air pollution exposures in communities located near busy roadways and industrial sources and inclusion of specific health-protective mitigation measures for development in those areas.

The General Plan is an opportunity to build healthy, livable complete neighborhoods, communities that intentionally support the well-being of all ages, strengthen families and enable seniors to remain in their homes as they age with independence, dignity and the ability to remain engaged in their community.

We support the village concept that is the cornerstone of the draft General Plan. We strongly encourage the Task Force to include language in the General Plan that prioritizes development of village plans for low-income neighborhoods, oftentimes those with the greatest need for increased access to walkable communities, safe streets, physical activity opportunities, and healthy food.

Additionally, we also support policies to review and revise diesel truck routes to minimize exposure of harmful diesel exhaust to sensitive receptors, including children and the elderly.

**RESPONSE 59-F:** The comments above include the letter writer’s concurrence with information in the PEIR and reflect opinions and recommendations regarding the project, the

Envision San José 2040 General Plan. The comments do not raise any questions about the adequacy of the PEIR. No other response is required.

**COMMENT 59-G:** Open Space

For lands outside the Urban Growth Boundary (UGB), it is important that they remain as undeveloped open space. Lands outside the UGB play an important role as natural infrastructure, cleaning our air and water.

For non-agricultural uses, our organizations support minimal disturbance to lands located outside the UGB so as to preserve the rural nature of this greenbelt and to provide a viable wildlife corridor.

Conclusion

Overall, the Envision San Jose 2040 General Plan update has set exceptional economic, environmental, and social equity goals for the City of San Jose thanks to the hard work of dedicated task force members and city staff. We hope decision makers honor this hard work as they implement the General Plan over the next 10-20 years.

San Jose can be a better city tomorrow and the General Plan sets the framework to do so. Once the plan is passed, our organizations will support the City in its implementation. Thank you for the opportunity to make public comment.

**RESPONSE 59-G:** The foregoing comments reflect opinions and recommendations regarding implementation of the project, the *Envision San José 2040 General Plan*. The comments do not raise any questions about any environmental issues or the adequacy of the PEIR. No other response is required.

**60. RESPONSES TO COMMENTS FROM THE HEALTH TRUST, DATED AUGUST 15, 2011.**

**COMMENT 60-A:** On behalf of The Health Trust, a Silicon Valley nonprofit foundation committed to advancing wellness, I am writing to provide feedback on the draft EIR, and commend the City for its efforts to make the City of San Jose a healthy city for all through the City’s General Plan.

We have actively monitored a number of General Plan processes in Santa Clara County, and San Jose presents the strongest policy language in support of healthy communities that we are aware of in the area. As Public Health Law and Policy wrote in its submitted memo following the release of the draft General plan:

“The draft Plan represents one of the strongest land use policy statements on healthy communities that we are aware of in California to-date...” and “Overall, the current draft does an excellent job of identifying clear and specific goals, policies, and objectives. Adopting a plan with such a clear and specific policy framework will go far to ensure that San Jose’s vision for a healthy community becomes a reality.”

Following the release of the draft plan, we recognize that the City reviewed and integrated many of the policy changes suggested by The Health Trust and our partners to further strengthen the plan’s commitment to increasing access to healthy food resources and provide opportunities to be physically active.

As the Planning Department and Taskforce is reviewing comments on the draft Environmental Impact Report and drafting the final plan to be submitted to the Council, we would like to reiterate The Health Trust’s priority for inclusion of the strongest health policies possible. It is important that the General Plan continues to call for increased access to healthy foods, walkable and bikeable communities, transit-oriented development, and improved access to parks, trails and open space.

In order to move toward a healthier city and region, the Taskforce must continue to:

1. Commit to a broad perspective on health and healthy communities as a guiding principle throughout the various elements of the Plan. Incorporating health language reinforces the community’s commitment to considering and ultimately improving health outcomes in all decisions made.
2. Ensure the plan’s healthy community goals are supported by specific policies and implementation/action items. Overall, the current draft does an excellent job of identifying clear and specific goals, policies, and objectives. Adopting a plan with such a clear and specific policy framework will go far to ensure that San Jose’s vision for a healthy community becomes a reality.

On behalf of my staff and all our community partners, I would like to thank you again for your continued efforts, and we applaud your work on an exemplary draft Plan. If you would like further details of any of the information provided in this letter please do not hesitate to contact Rachel Poplack, Director of Healthy Living at (408) 961-9897.

**RESPONSE 60-A:** This comment reflects opinions and recommendations regarding the project, the *Envision San José 2040 General Plan*. No specific comments regarding the adequacy of the PEIR were made and no other response is required.

**61. RESPONSES TO COMMENTS FROM J. AND M. OPULENCIA, DATED AUGUST 15, 2011.**

**COMMENT 61-A:** My wife and I and our children have been residents of the California Fairways Community. Although our home is not necessarily situated in a good location, we are proud of owning one in this community because of the Rancho del Pueblo Golf Course. This golf course has given our property value at one point when the economy was at its best. It has not only given us financial value, it has given us the value of peace. However, when we learned that there is a proposal to re-zone the golf course, we were sad, shocked and fearful. We felt these emotions for the following reasons:

The current value of our property is already very low. With the building of the proposed 570 residential units, its value will be reduced even more.

Not only will this make the area more crowded, more population will result to more crimes. How can this be handled when we already have reduced number in the police force? More people means the need for, not only more police officers, but teachers and fire fighters as well, and schools and parks, of which we do not believe the City has a budget for.

We are also concerned that the new units will accept investors and low-income residents.

Traffic, air and noise pollutions will increase.

In light of the above, we are requesting that you reconsider the proposal. Please think of the more negative effects it will have, more importantly, on the quality of not just of the lives of our own children, but of all the children in the neighborhood. They need to grow up in an environment that will be able to nurture and foster them.

**RESPONSE 61-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**62. RESPONSES TO COMMENTS FROM JOHN URBAN, DATED AUGUST 15, 2011.**

**COMMENT 62-A:** Below are comments related to the City of San Jose Envision 2040 General Plan EIR.

CD-3.9 page 4-13 Quality of Life

Minimize driveway entrances to enhance pedestrian safety and decrease the area of paved surfaces. Encourage shared vehicular access points that serve multiple uses and/or parcels, including shared access for commercial and residential uses. Avoid driveways that break up continuous commercial building frontages. Position vehicular access to minimize negative impacts to aesthetics and to pedestrian and bicycle safety.

Why wasn't the following sentence added: Discourage use of local neighborhood streets as access points to parking lots/garage.???

CD 4.14 page 4-15 Quality of Life

1) Will both the Village Plan and “specific regulations and the Urban Design Standards” (CD 4.14 page 4.15 Quality of Life) be required to be complete before development is allowed on/at a Village on a Grand Boulevard??

2) When will Grand Boulevard Urban Design Standards begin to be developed?

3) Will job creating land uses/development be allowed along Grand Boulevards before Urban Design Standards are complete?

4) Will residential land uses/development be allowed along Grand Boulevards before Urban Design Standards are complete?

CD 4.5 page 4-14 Quality of Life

For new development in transition areas between identified growth areas and nongrowth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, viewshed, artificial light trespass, privacy or other land use compatibility concerns.

Why wasn't “artificial light trespass” specifically called out as a compatibility concern?

Why wasn't “privacy” specifically called out as a compatibility concern?

Transportation and Land Use

The following four points assume coordination of transportation and land use.

1) TR-1.8 page 6-36

Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met.

2) TR-1.9 page 6-36

Give priority to the funding of multimodal projects that provide the most benefit to all users. Evaluate new transportation projects to make the most efficient use of transportation resources and capacity.

3) TR-3.3 page 6-41

As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

4) TR-3.6 Collaborate with Caltrans and Santa Clara Valley Transportation Authority to prioritize transit mobility along the Grand Boulevards identified on the Growth Areas Diagram. Improvements could include installing transit signal priority, queue jump lanes at congested intersections, and/or exclusive bus lanes.

Why are growth areas on The Alameda (CR-30 and VT4) not coordinated with VTA's BRT stops?

Why is the Growth Area CR-30 designated with a Village overlay when a BRT stop is so far away (¾ mile - SCTransit Ctr & 2/3 mile (Naglee/Taylor) ?

Why is the Growth Area CR-30 designated with a Village overlay when a BRT stop will by definition never stop at Newhall St due to the required spacing of BRT stops to create an "express" bus service?

Since the Naglee/Taylor BRT stop will not move due to its interface with BART (Berryessa station) VTA feeder lines, why isn't The Alameda/Naglee/Taylor intersection designated a Village?

**RESPONSE 62-A:** The proposed boundaries for Urban Villages was determined through an extensive, community-based planning process that took several variables into account. The majority of The Alameda is already considered to be developed with established land uses consistent with the Urban Village concepts and so was not identified through the Envision process as a Growth Area for new development. The Urban Village areas identified on The Alameda represent portions of The Alameda which have the greatest potential for further intensification.

**63. RESPONSES TO COMMENTS FROM LEILA FOROUHI, DATED AUGUST 15, 2011.**

**COMMENT 63-A:** I am a community member who would like to submit a public comment regarding the proposed General Plan amendment, specifically Scenario 7A.

I am concerned that changing the designation of the Rancho del Pueblo site from Open Space, Parkland and Habitat to Residential land use will adversely impact the surrounding community, who depend on this area for recreation and whose open space is already limited. I feel that this would be an infringement on the already small amounts of open space and a healthy community.

As stated in the Envision San José 2040 General Plan, Social Equity and Urban Conservation/ Preservation is one of the Major Strategies of the City's General Plan. It specifically states that this strategy aims to, *Protect and enhance San José's neighborhoods and historic resources to promote community identity and pride.*"

Replacing this gold course would damage the community's identity, pride and possibly historic resources.

Another Major Strategy is the Greenline/Urban Growth Boundary, which aims to, *"Preserve land that protects water, habitat, and agricultural resources and/or offers recreational opportunities, as well as to preserve the scenic backdrop of the hillsides surrounding San José,"* which this General Plan amendment threatens to permanently impact. How will the City make up for this loss of recreational opportunities for this low-income, largely immigrant community?

Finally, regarding Housing, I am concerned about gentrification due to the economic status of this neighborhood. What guarantees do we have that a new residential housing project will not negatively impact the surround communities and housing market, which has locally experienced a large amount of foreclosures due to the housing market collapse?

**RESPONSE 63-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**64. RESPONSES TO COMMENTS FROM LORI AND LOUIS BERRY, DATED AUGUST 15, 2011.**

**COMMENT 64-A:** My name is Lori Berry and my husband, Louis Berry, and I live in the California Fairways subdivision behind Rancho del Pueblo Golf Course. We purchased our home directly from Kaufman & Broad in 1999 and actually watched it be built. We have seen many changes to the community surrounding us in the past 11 years and most, sad to say, have been negative. As the economy has declined we have watched the quality of our neighborhood decline as well. Many houses have turned into rentals and, unfortunately, the renters don't seem so interested in having as great of a neighborhood as we do. That being said, we cannot express how much we are in strong opposition of our beloved golf course being turned into housing units. The golf course has remained consistent with providing beauty, safety and recreation for us and the neighbors surrounding it. One of the main reasons we purchased our home was because of the golf course. My main concerns regarding this possible change are:

#1) Crime - We are already seeing an increase in disturbances, robberies & vandalism in our neighborhood and I know that would just increase dramatically with 570 more houses. I know the police department has recently experienced cuts and it scares me to think of how this area would be patrolled and protected properly with a decrease in police officers on the street and an increase in housing units.

#2) Beauty - This area has little in the way of natural beauty/open spaces. The golf course provides most of the residents within California Fairways with beautiful green grass views as well as passerby's on King Rd. Our tiny backyard would be dismal with views of...other homes. Not only would this be an eye sore but it is going to drive down property values even more for owners within the community.

#3) Traffic/Noise - King Road can be quite congested and noisy especially during commute hours and this is only going to make things much worse.

#4) Positive impact on community - I see a number of children enjoying themselves on the weekends and in the summer with golf instruction and events. The more children we can impact in a positive manner, like the golf course does, the better for all of us in the community overall.

We will be attending the meeting this Wednesday evening as well but hope the city will hear our concerns and consider them strongly.

**RESPONSE 64-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**65. RESPONSES TO COMMENTS FROM MEMBERS OF THE WILLOW GLEN COMMUNITY, DATED AUGUST 15, 2011.**

**COMMENT 65-A:** The Willow Glen Neighborhood Association (WGNA) appreciate and support San Jose DOT (Department of Transportation) and Staff efforts to move San Jose toward a safer, more livable World Class city. To be a Great City neighborhoods and neighborhood business districts must be safe, vibrant and inviting; and we fully recognize that with this comes enhanced environmental and economic sustainability.

We, members of the community respectfully request Lincoln Avenue be included in the City's 2040 land use master plan for making our neighborhoods and business district safer for school kids, seniors, mobility challenged and public safety vehicles. Safer cross walks, bike lanes and enhanced signage and signaling will preserve and protect and enhance this friendly livable village environment for all ages and abilities.

**Children and youth:** Lincoln Avenue is a key access corridor for young families and school children as it serves grammar schools, pre-schools and nurseries. Safe walking and bike routes to school are essential to livability.

**Seniors and less mobile** require safe streets and crosswalks, a key element of "Complete Streets". Public transportation access to the Willow Glen Community Center and business district coupled with slower traffic and safer pedestrian crossings promote and facilitate better health and independence as we age.

**Public Safety access:** A middle third lane(\*) will provide needed emergency access for Fire, Medical and Police vehicles during congested commute hours and periods of overflow created by traffic backups on SR87 and/or Almaden Expwy. This is even more critical for the 2,000 feet of the Willow Glen business district where public safety vehicle access is currently limited in peak traffic hours.

**Lower VMT (Vehicle Miles Traveled):** Slower, safer, more bicycle-pedestrian aware vehicle passage on Lincoln Avenue promote a greener low-carbon emission community.

**Vibrant and Inviting:** Lower VMT, safer pedestrian-bike access and mobility combined with nearby increased residential density and public transportation position Willow Glen for the next century as a desirable place to dine, shop, visit and do business; and do so with greater safety. Where better to set the standard for the rest of San Jose and provide the platform for high quality urban living.

**Summary:** Community members in Willow Glen with the support of the WGNA are becoming increasingly aware of this concept and the benefits it can provide. Each bicycle and pedestrian accident in this area raise the sense of urgency for completing this transition. Each near-miss and frightened pedestrian trying to cross Lincoln raise the questions: Who next? And when?

**Request:** We the undersigned respectfully request that Lincoln Avenue from Husted to San Carlos be included in the Envision San José 2040 plan and placed high on the list for conversion to a complete street. We further request that every effort be made to make this a public-private partnership involving key stakeholder on Lincoln Avenue and the Willow Glen Neighborhood Association, its Board and members.

The WGNA and members of the community appreciate your great work and look forward to working with the City DOT to make this vision a reality for all who live and work here and generations to come.

\* **Note:** It is requested that a 3-Lane configuration shown above be included in the Sample Street Topology Cross-Sections, (ref: Sec. 5, pg 5-30, E2040GP) for consideration as a solution for meeting the goals outlined in the Draft E2040GP and the San Jose Department of Transportation Bike Plan 2020.

**RESPONSE 65-A:** Please refer to Master Response A: Designation of Lincoln Avenue as a Main Street, which is at the beginning of Section 4 Responses to Comments.

**66. RESPONSES TO COMMENTS FROM THE SANTA CLARA COUNTY AUDUBON SOCIETY, DATED AUGUST 15, 2011**

**COMMENT 66-A:** Santa Clara Valley Audubon (SCVAS) is pleased to have the opportunity to comment on the Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan (Plan). SCVAS' mission is to foster public awareness of native birds and their ecosystems and habitats in Santa Clara County, California. Since the General Plan is the policy framework for decision making on both private development projects and City capital expenditures, it has the potential to greatly impact the future of biological resources in the City and beyond, and is of concern to our membership. Specifically, we are concerned with the welfare of nesting birds in the city, and with the threats to continued existence of burrowing owls in the South Bay. We are also concerned with growth-inducing impact of the plan on biological communities inside the city's boundary and beyond, and with impacts to wildlife movement and habitat connectivity.

1. Project Description omits important Biological Resources

Appendix E. (Biological Resources) lists dozens of species for which impacts are predicted. Many of these species are not mentioned in the body of the PEIR. We ask that the PEIR provide reference to ALL of the species that could potentially be impacted by the Plan, and discuss impacts to the most vulnerable species (such as the burrowing owl). This would be the correct way to provide future planners and decision makers, and the public, with complete Project Description as required by CEQA.

**RESPONSE 66-A:** The environmental setting and impacts to biological resources from implementation of the proposed Envision 2040 General Plan are discussed in Section 3.5 of the PEIR. Special status bird species that are known or expected to occur in San José are discussed in Section 3.5.1.4 Special Status Animals and listed in Table 3.5-3. Special status species that could be impacted by development in each of the City's Planning Areas are noted in Table 3.5-4. References to the extensive discussion of special status species in Appendix E, which is a part of the PEIR, are included in the text of Section 3.5 Biological Resources.

In response to comments from the California Department of Fish and Game and the Santa Clara Valley Audubon Society, a more detailed summary of the discussion of impacts to special status animal species in Appendix E has been added to the text of the PEIR in Section 3.5.3.7 Impacts to Special Status Animals (see Section 5 Revisions to the Text of the Draft PEIR).

**COMMENT 66-B:** 2. Inadequate Mitigation for significant impacts to burrowing owls

In appendix E. (page 197), the PEIR acknowledges, "Impacts to individual burrowing owls and their habitats resulting from allowable development under the General Plan could result in a significant impact to regional burrowing owl populations because this species has experienced substantial regional losses in habitat and populations." Furthermore, the analysis proposes that for the Alviso Specific Plan Area, the Preferred Scenario would result in a greater impact to potential owl habitat than the other scenarios" (Appendix E. page 197). This means that the city intends to knowingly adopt an alternative that is environmentally inferior despite the fact that alternatives with smaller environmentally adverse impacts, alternatives that would not result in the likely extirpation of burrowing owls from our County, are available to meet project objectives.

To mitigate potentially significant impacts to burrowing owls, Appendix E. of the PEIR (page 264) proposes to rely on the Valley Habitat Valley Plan (VHP or HCP/NCCP) that is currently in development. The PEIR proposes, “if the [Valley Habitat Plan] process fails to result in an approved HCP/NCCP, comparable mitigation measures will be needed for burrowing owls.” This statement defers mitigation for impacts on burrowing owls. We ask for all such “comparable mitigation measures” to be spelled out in the final EIR for the Envision San José 2040 General Plan so that the public can review the full set of mitigations proposed for this species. Furthermore, there were many public comments on the burrowing owl conservation strategy as presented in the Draft Valley Habitat Plan, and the plan is currently going revisions. It is inappropriate for the PEIR to assume that the burrowing owl conservation strategy will retain the potential to mitigate for the General Plan’s impacts to this species.

The PEIR proposes, “additional measures will provide mitigation” to complement the unspecified “comparable mitigation measures”. The proposed complementary mitigation measures follow the “Burrowing Owl Consortium Guidelines”. Time has clearly shown that the burrowing owl consortium guideline are inadequate and fail to reduce impacts of development, infill and habitat loss on burrowing owls - on local and regional scales. The CA Department of Fish and Game maintains that these measures cannot reduce impacts on burrowing owls to a less-than-significant level.

Several times over the last eighteen months, SCVAS has provided the city with comments, and supportive evidence (emails from a Department of Fish and Game scientist, expert opinion by San Jose burrowing owl experts) that shows unequivocally that the mitigations set forth by the burrowing owl consortium guidelines are inadequate for our region (for example, please refer to SCVAS comments and supportive documents for the recent Dry Fermentation Anaerobic Digestion Facility, City File No. SP09-057).

We conclude that the PEIR, as presented, includes no mitigation for identified significant impacts to burrowing owls and their habitat. Finding of no significant impacts with mitigations cannot be made.

**RESPONSE 66-B:** The proposed General Plan policies do not reference or rely on burrowing owl consortium guidelines or other specific methodologies for mitigating possible future impacts to burrowing owl populations in San José. As discussed in Response H-3, the proposed General Plan includes program-level measures that call for mitigation of impacts to special status species. Policy ER-4.1 states: *Preserve and restore habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.* The analysis in the PEIR assumes that future projects in the City of San José, both within and outside of the UGB, will avoid or reduce impacts to existing populations of special status species to a less than significant level through measures included in project design or as conditions of approval, consistent with the policies for protecting special status species and their habitats in the proposed General Plan. In the Alviso Planning Area, and elsewhere in the city where populations of burrowing owls occur, this could require setting aside habitat for foraging and nesting, actively managing preserves including vegetation and predator management, and/or expanding and managing habitat adjacent to other local or regional owl populations to allow those populations to increase and persist. In the event a future project proposes features that would result in substantial direct or indirect affects to special status species, additional environmental review and detailed evaluation of resources will be required prior to approval or implementation and mitigation of impacts would be necessary in order for the project to have General Plan consistency (refer to modifications to pages 482 to 483 in Section 5 Revisions to the Text of the Draft PEIR). An Action item also has been added to the General Plan to clarify

mitigation that would be required for impacts to habitat occupied by burrowing owls since 2008, the environmental baseline for the analysis in the PEIR.

**COMMENT 66-C:** 3. Inadequate Mitigation for impacts on Serpentine soil and its associated biological resources

Indirect impacts to serpentine soil habitats (due to nitrogen emissions) are discussed and mitigation is defined (ER-2.9, 2.10). However, the discussion in BIO-2 explicitly stipulates that the City cannot commit to implementing the proposed mitigation. This is a major flaw in the EIR. If the City cannot mitigate for the impacts, decision makers must adopt findings of overriding considerations, but even with such findings – CEQA mandates mitigation to the maximum extent practical.

**RESPONSE 66-C:** The PEIR identifies program-level mitigation measures (renumbered Actions ER-1.9 and ER-1.10) for indirect impacts to serpentine grassland. If the HCP is approved and fully funded by all of the partner jurisdictions, the mitigation can be implemented through that mechanism.

As described in the Draft PEIR, however, the City of San José is experiencing ongoing deficit budgets. As described in the City Manager’s 2011-2012 Budget Message (dated May 2, 2011) the City is predicting at least four more years of deficit budgets. At the time that memo was circulated, the City was facing a 10 percent decrease in personnel and a \$115 million shortfall.

As a result of this situation, the City of San José has not, to date, been able to identify available or even potentially available funding that could be used to design and implement these mitigation measures, which would include long-term management of serpentine reserves, on its own. To be considered feasible, mitigation must be capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors (CEQA Guidelines Section 15364). If the City cannot commit to mitigations for indirect impacts to serpentine grassland from the proposed project in the near term because it is not feasible for the City to implement them independently, the City Council will be required to adopt findings that identify those factors that render the mitigation infeasible, as required under CEQA.

**COMMENT 66-D:** 4. Inadequate mitigation for impacts on wildlife connectivity

We ask for adequate mitigation of East-West wildlife movement corridors and habitat connectivity in Coyote Valley. Mitigation should include partial removal of barriers on Monterey road, design policies that accommodate connectivity, and parkland acquisition.

**RESPONSE 66-D:** Under the proposed *Envision San José 2040 General Plan*, urban development would be allowed in North Coyote Valley, but not in Mid-Coyote Valley. This is a change from the existing *Focus on the Future 2020 General Plan*. Maintaining the rural character of Mid-Coyote Valley would allow for continued wildlife movement through this area, similar to existing conditions.

The proposed project includes several policies and an action that address wildlife movement and roads. As listed on pages 476-477 of the Draft PEIR, Policy ER-8.2 (renumber to Policy ER-7.2 in the Draft Plan) requires the design of new or improved existing roads to allow wildlife to continue to move across them and Action ER-8.4 (renumber to Action 7.4 in the

Draft Plan) specifically addresses facilitating the movement of wildlife across Coyote Valley by replacing portions of the median barrier on Monterey Road.

The letter writer's recommendation regarding incorporating parkland acquisition in General Plan policies to provide mitigation for impacts to wildlife movement corridors is noted. Parkland acquisition to maintain wildlife movement corridors is not proposed by the project and is not required to mitigate or avoid substantial impacts to wildlife movement in North Coyote Valley.

**COMMENT 66-E:** 5. Need for protection of tree nesting birds

We ask that the Plan include policy and mitigations for tree removal and tree work to provide adequate protection to nesting birds. We ask that the PEIR include discussion of the issue and address timing of work for different categories of trees, nest surveys, and resources for implementation, and monitoring. This would help the City to comply with Federal and State law – the Migratory Bird Treaty Act and regulations by the California Department of Fish and Game – that make it unlawful to kill, possess or needlessly destroy the nest or eggs of any bird (with the exception of some invading species).

**RESPONSE 66-E:** The proposed General Plan includes two policies that would protect migratory birds that were not listed in the Draft PEIR. These policies are:

Policy ER-5.1 Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2 Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

The protective measures listed in Comment H-5 (Department of Fish and Game) are typical of those that would be required for individual projects to implement Policy ER-6.1 and Policy-5.2. Please note the Environmental Resources (ER) policies have been renumbered.

The text of these policies has been added to Section 3.5.3.2 Direct Impacts to Natural Communities and Habitats of the PEIR (see Section 5 Revisions to the Text of the Draft PEIR).

**COMMENT 66-F:** 6. Integration with the Valley Habitat Plan (HCP/NCCP)

SCVAS concurs with the PEIR that some of the issues we raised can be partially resolved by tight integration of mitigation for Plan impacts with the Santa Clara Valley Habitat Plan. However, at this time, this Plan cannot rely (for some species exclusively) on another plan that is still undergoing revisions - and has yet to be approved by several cities and government agencies - to mitigate significant impacts to biological resources.

**RESPONSE 66-F:** As discussed on pages 468, 481, and 486 of the Draft PEIR, the analysis in the PEIR assumes that future projects in the City of San José, both within and outside of the UGB, will avoid or reduce impacts to biological resources to a less than significant level through the measures included in project design or as conditions of approval,

consistent with the policies for protecting environmental resources *in the proposed General Plan*. An exception to this would be mitigation for the indirect impacts to serpentine grassland previously discussed in Response 66-C and on page 471 of the Draft PEIR. While the Santa Clara Valley HCP/NCCP could provide a mechanism for mitigating impacts to biological resources such as special status species from future projects in San José, the proposed General Plan does not rely on its adoption for mitigation and avoidance of impacts to biological resources.

**67. RESPONSES TO COMMENTS FROM VAN DIEP, DATED AUGUST 15, 2011.**

**COMMENT 67-A:** We want to express our opposition against the city’s plan to replace the Rancho del Pueblo golf course to build more houses. Some of the immediate impacts will be:

1. Traffic, noise, and air pollution will increase significantly because many more people will use a limited number of lanes to go in and out every day. The current community on Hermocilla/King has 200 single-family houses. This plan has 570 units (almost 3 times more). King/Story intersection was expanded recently and it is already very busy. The exit rams from/to 680 at both directions back up significantly during peak times, which can cause traffic hazards for drivers on the freeway.

2. Crime will increase simply because of the higher density of people. If it gets crowded with many more people, crime will increase. The shooting with two men died in August 2010 at the newly built apartment (San Antonio Ct, next to Freeway 101) is a worrisome example. Mercury News reported this crime:

“The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they’ve complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week.”

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

3. Quality of life and public services will be negatively affected. We do not need more houses in this crowded area. New homes will need more schools, teachers, police officers, fire-fighters, which the city might not have the money for. This plan will decrease and slow down emergency services, such as police cars, fire trucks, ambulances to our community.

As responsible taxpayers and concerned citizens, we believe there are other options instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

**RESPONSE 67-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**68. RESPONSES TO COMMENTS FROM PATRICK PIZZO, DATED AUGUST 16, 2011.**

**COMMENT 68-A:** On August 17th, I will be attending the first outreach meeting on the topic of rezoning the property at Rancho del Pueblo golf course from Public Park/Open Space to Mixed Use Neighborhood on October 25, 2011. What you are actually doing is implementing the closing of the course and the sale of the property to a developer and this is the first step in the process. We went through this cycle not too many years ago and the proposal was defeated. You are trying again with the added emphasis of limited resources and reduced budget to seal the deal. I don't think you are taking the long view on this issue.

I have attended Envision San Jose 2040 meetings where the goal is to attract and house 400,000 more people in the City. As part of that process, the Parks, Recreation and Neighborhood Services people pointed out that without additional acres of recreational/active parks [equivalent to the footprint of two Golden Gate Parks, San Francisco, with GGP being 1017 acres!], the City would fail to meet its accepted minimum of 3 acres of active park per 1,000 residents. We are already below this minimum; and the closing Rancho del Pueblo (or rezoning it) will reduce the City's park acreage by 31 acres. Where and how do you plan to reclaim and add the required acreage?

One way to do this was suggested by the City Staff (Greenprint 2009 Update, Robert Balagso, October 30, 2009) and that is to include public school campuses in the count of active-park acreage. This is entirely too creative! The public cannot use school campuses during school hours and when after-school activities are underway, they are fenced providing limited access and view, and activities are limited by School Officials and certainly preclude golf or BBQ, as example. In a time when public park and open-space is at a premium in the quality-of-life of most cities, and in particular the City of San Jose, the City Council considers closing a 31-acre site!

Rancho del Pueblo is a unique resource to the community. It is centrally located and easy to get to. It is a flat course, easy on seniors. It is sized appropriately for First Tee, the program to attract youth into active exercise, and because it is on the East Side, it attracts diverse, multicultural individuals. I recently saw a sign at the course announcing a special program for overweight youth with type II diabetes. I believe the First Lady has high interest in such programs. Are we going to secure Wi-Golf programs for youth in lieu of active, participatory play?

Over the years, the number of golf opportunities for San Jose Residents has dwindled dramatically. Courses and driving ranges have disappeared and have been replaced by high-density housing. Rancho del Pueblo offers a 9-hole course and a driving range. What alternatives do local residents have? I can answer that for seniors, age 65 and over. Some are very healthy and using Los Lagos Golf Course is no problem; but a little expensive as a cart and green fee are required. San Jose Municipal too is flat, but the course is very long. Many would find it difficult to walk this course. Santa Teresa, the Executive Course is a reasonable 9-hole; but it is not flat! Deep Cliff in Cupertino is an option; but a long drive to and from; and it costs non-residents a premium. For downtown and east-side folk, well into their golden years, there really is not a convenient alternative!

I believe Rancho del Pueblo is zoned open/space and recreational because of the many marsh-ponds at the site. A variety of water fowl and marsh birds make this course home. This green-aspect of the current course should too be considered. How will this be mitigated and how much will that mitigation cost?

I am truly disappointed in our City Representatives as they are consistently taking a developer-friendly and short-term view of land options. The Quality of Life aspect of living in this City is only narrowly viewed. There are plenty of new bike paths out there to get to and from work and for exercise for the thirty-somethings. But active parks for the growing number of seniors (softball, tennis, golf, ...) are not on the radar. It will cost the City much less in the long run to keep these seniors active and healthy, to provide them appropriate fields for active recreation, and certainly to retain those that we already have.

Do not re-zone Rancho del Pueblo!

**RESPONSE 68-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**69. RESPONSES TO COMMENTS FROM CHRIS POLLETT, DATED AUGUST 16, 2011.**

**COMMENT 69-A:** We want to express our opposition against the city’s plan to replace the Rancho del Pueblo golf course to build more houses. Some of the immediate impacts will be:

1. Traffic, noise, and air pollution will increase significantly because many more people will use a limited number of lanes to go in and out every day. The current community on Hermocilla/King has 200 single-family houses. This plan has 570 units (almost 3 times more). King/Story intersection was expanded recently and it is already very busy. The exit rams from/to 680 at both directions back up significantly during peak times, which can cause traffic hazards for drivers on the freeway.

2. Crime will increase simply because of the higher density of people. If it gets crowded with many more people, crime will increase. The shooting with two men died in August 2010 at the newly built apartment (San Antonio Ct, next to Freeway 101) is a worrisome example. Mercury News reported this crime:

“The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they’ve complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week.”

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

3. Quality of life and public services will be negatively affected. We do not need more houses in this crowded area. New homes will need more schools, teachers, police officers, fire-fighters, which the city might not have the money for. This plan will decrease and slow down emergency services, such as police cars, fire trucks, ambulances to our community.

4. Currently, the housing market in San Jose is already depressed. It is dubious if the city could get a fair market value for the property in question. Further, the development of high density housing is likely to depress the market value of the other houses in the area. Whoever buys the property will, if done quickly, be able to lock-in, due to Prop 13, low property taxes on this development. So it is possible this whole transaction could yield a net loss in property income for the city. This may or may not in the long term offset any savings the city has in not paying a mortgage on the property.

As responsible taxpayers and concerned citizens, we believe there are other options instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

**RESPONSE 69-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

**70. RESPONSES TO COMMENTS FROM MARY POLLETT, DATED AUGUST 16, 2011.**

**COMMENT 70-A:** We want to express our opposition against the city’s plan to replace the Rancho del Pueblo golf course to build more houses. Some of the immediate impacts will be:

1. Traffic, noise, and air pollution will increase significantly because many more people will use a limited number of lanes to go in and out every day. The current community on Hermocilla/King has 200 single-family houses. This plan has 570 units (almost 3 times more). King/Story intersection was expanded recently and it is already very busy. The exit rams from/to 680 at both directions back up significantly during peak times, which can cause traffic hazards for drivers on the freeway.

2. Crime will increase simply because of the higher density of people. If it gets crowded with many more people, crime will increase. The shooting with two men died in August 2010 at the newly built apartment (San Antonio Ct, next to Freeway 101) is a worrisome example. Mercury News reported this crime:

“The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they’ve complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week.”

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

3. Quality of life and public services will be negatively affected. We do not need more houses in this crowded area. New homes will need more schools, teachers, police officers, fire-fighters, which the city might not have the money for. This plan will decrease and slow down emergency services, such as police cars, fire trucks, ambulances to our community.

4. Currently, the housing market in San Jose is already depressed. It is dubious if the city could get a fair market value for the property in question. Further, the development of high density housing is likely to depress the market value of the other houses in the area. Whoever buys the property will, if done quickly, be able to lock-in, due to Prop 13, low property taxes on this development. So it is possible this whole transaction could yield a net loss in property income for the city. This may or may not in the long term offset any savings the city has in not paying a mortgage on the property.

As responsible taxpayers and concerned citizens, we believe there are other options instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

**RESPONSE 70-A:** Please refer to Master Response B: Designation of Rancho del Pueblo Golf Course for Mixed Use Neighborhood.

## SECTION 5.0 REVISIONS TO THE TEXT OF THE DRAFT PEIR

This section contains revisions to the text of the Draft PEIR for the Envision San José 2040 General Plan, dated June 2011. Revised or new language is underlined. All deletions are shown ~~with a line through the text~~.

Page 20 *Summary*; **INSERT** the following text after the sixth sentence on the page as shown.

The basic differences between these alternatives are summarized in Table S-1.  
Scenarios 1-5 all meet the basic objectives of the project to some extent.

Page 79 *Section 2.2.6 Proposed Land Use Designation Changes*; **REVISE** the Commercial Downtown and Urban Village land use designations as follows:

### *Commercial Downtown*

<p>Density: FAR Up to 15.0 (3 to 30 stories)</p> <p><i>SJ 2020 Designation(s):</i>  <i>Core Area</i></p>	<p>This designation includes office, hotel, retail, service, and entertainment uses in the eCity’s Downtown, area, consistent with those supported by the Downtown designation, but denotes areas in which residential uses are not appropriate and therefore are excluded. <del>Re</del><u>Development</u> should be at very high intensities, unless incompatibility with other major policies within the General Plan (such as Historic Preservation Policies) indicates otherwise. Where single-family detached homes are adjacent to the perimeter of the area designated as Downtown, new development should serve as a transition to the lower-intensity use while still achieving urban densities appropriate for the perimeter of downtown in a major metropolitan city. All development within this designation should enhance the “complete community” in downtown, support pedestrian and bicycle circulation, and increase transit ridership. The broad range of uses allowed in Downtown could also facilitate medical office uses or full-service hospitals.</p> <p>The Downtown Urban Design Policies speak to the urban, pedestrian-oriented nature of this area. As such, uses that serve the automobile should be carefully controlled in accordance with the Downtown Land Use Policies.</p>
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### *Urban Village*

<p>Density: <del>55*</del> <u>Up to 250</u>  DU/AC; FAR Up to 10.0 (<del>3</del>  <del>to 10 stories</del>)</p> <p><i>SJ 2020 Designation(s):</i>  <i>various</i></p>	<p>The Urban Village designation is applied within Urban Village Overlay areas that are planned in the current Horizon <u>(see Chapter 7 – Implementation for a description of Planning Horizons and Urban Village Planning)</u> to accommodate higher density housing growth along with significant amounts of job growth. This designation is also applied in some cases to specific sites within Urban Village <del>Overlay areas</del> <u>Area Boundaries</u> that have received entitlements for Village type development. This designation supports a wide variety of commercial, residential, institutional or</p>
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	<p>other land uses with an emphasis on establishing an attractive urban form in keeping with the Urban Village concept. Development within the Urban Village designation should conform to land use and design standards established with an adopted Urban Village Plan, which specifies how each Urban Village will accommodate the planned housing and job growth capacity within the identified Urban Village Growth Area. Prior to preparation of an Urban Village Plan, this designation supports uses consistent with those of the Neighborhood Community Commercial designation, as well development of Signature Projects as described in the General Plan Implementation policies. Following preparation of an Urban Village Plan, the appropriate use for a site will be commercial, residential, mixed-use, public facility or other use as indicated within the Urban Village plan.</p> <p>Urban Village Plans provide more detailed information related to the allowed uses, density and FAR for particular sites within each Urban Village area and may also recommend that some sites with the Urban Village area be changed to another Land Use designation. The minimum density for development that includes a significant residential component is at least 55 DU/AC, although lower residential densities are acceptable for mixed-use projects that may include small amounts of residential in combination with significant amounts of non-residential square footage or on specific sites identified within the Urban Village Plan as being appropriate for development at a lower density so as to be compatible with adjacent land uses. The appropriate density for mixed-use projects is that which can be accommodated under a maximum FAR of 10.0, or as determined by a more specific density range established within the Urban Village Plan. For projects that are wholly employment uses, a lower FAR than indicated in the Urban Village Plan is also appropriate to facilitate development of interim employment uses. All projects must still meet the Community Design Policies in the plan and in the applicable Urban Village Plan. For Signature Projects, the appropriate minimum density is the density needed to be consistent with the Signature Project policies. The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document.</p>
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**Regional Commercial**

<p>Density: FAR Up to 12.0 (1 to 25 stories)</p>	<p>These commercial areas attract customers from a regional area and play an important fiscal and economic role for the City. This</p>
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<p><i>SJ 2020 Designation(s): Regional Commercial, General Commercial</i></p>	<p>designation is applied primarily to existing regional shopping centers, though sometimes <del>includes</del> <u>it may reflect</u> the cumulative attraction of a regional center and one or more nearby community or specialty commercial centers, or two or more community or specialty centers in close proximity whose combined drawing power is of a regional scale. This designation supports a very wide range of commercial uses, which may develop at a wide range of densities. Large shopping malls, and large or specialty commercial centers that draw customers from the greater regional area are appropriate in this designation along with office uses ranging in intensity up to a 12.0 FAR. Hospitals and private community gathering facilities can also be considered in this designation. This General Plan supports intensification and urbanization of Regional Commercial areas in order to promote increased commercial activity and more walkable, urban environments in Regional Commercial districts.</p>
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***Mixed Use Commercial***

<p>Density: Up to 50 DU/AC, FAR 0.5 to 3.0 (1 to 6 stories)</p> <p><i>SJ 2020 Designation(s): Combined Commercial/ Industrial with Live/Work Overlay, Combined Residential/ Commercial, some Neighborhood/ Community Commercial, some Transit Corridor Commercial, some General Commercial</i></p>	<p>This designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the primary use and residential activity allowed in a secondary role. New development of a property with this designation should accordingly include commercial space equivalent to at least a 0.5 FAR for the property with a typically appropriate, overall FAR of up to 3.0 allowing for a medium intensity of development. This designation therefore is more commercially focused than the Mixed Use Neighborhood designation and also allows for a greater intensity of use. Appropriate commercial uses include neighborhood retail, mid-rise office, medium scale hospitals or other health care facilities, and medium scale private community gathering facilities. Low impact industrial uses are appropriate if they <u>are compatible and</u> do not pose a hazard to other nearby uses.</p>
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Page 87      *Section 2.2.6 Proposed Land Use Designation Changes; REVISE* the last sentence of the first paragraph of the Residential Neighborhood land use designation as follows:

The average lot size, ~~and orientation,~~ and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project.

Page 90      *Section 2.2.6 Proposed Land Use Designation Changes; REVISE* the Agriculture land use designation as follows:

Density: up to 1 DU/20 AC; Mminimum 20 acre parcels (1 to 2.5 stories)

- Page 106 *Section 2.2.6 Proposed Land Use Designation Changes*; **REPLACE** Figure 2.2-22 with Figure 2.2-22 (REVISED) as shown on the following page.
- Page 107 *Section 2.2.6 Proposed Land Use Designation Changes*; **REPLACE** Figure 2.2-23 with Figure 2.2-23 (REVISED) as shown on page 280.
- Page 124 *Section 2.2.8 General Plan Designation Options – Rancho del Pueblo and iStar Sites*; **REPLACE** Figure 2.2-35 with Figure 2.2-35 (REVISED) as shown on page 281.
- Page 130 *Section 2.5 Consistency with Adopted Plans*; **INSERT** the following text in the list after San José Bike Plan 2020:

<u>Countywide Trails Master Plan</u>	<u>3.2 Transportation</u>
<u>Santa Clara County</u>	<u>3.9 Public Facilities and Services</u>

- Page 142 *Section 3.1.1.3 Existing Land Use*; **REVISE** Table 3.1-1 as shown:

<del>Lands of Lester— Branham and Snell Martial Cottle Park</del>	Edenvale	97.6	<i>Public Park and Open Space</i>	X
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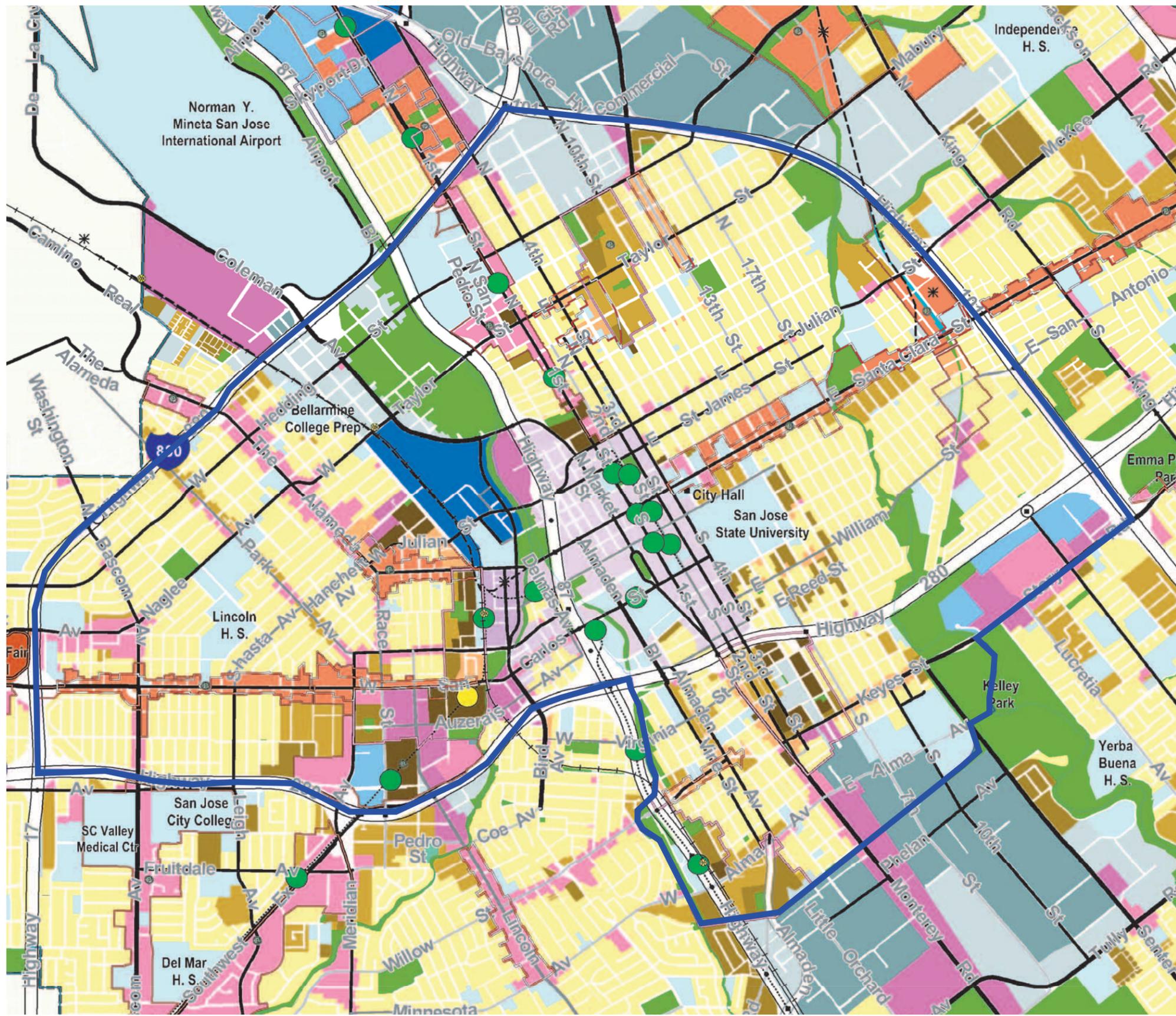
- Page 150 *Section 3.1.15 Regulatory Framework*; **INSERT** the following text after the second paragraph on the page, above the subheading “County and Regional Planning”.

San Francisco Bay Conservation and Development Commission Permit Program

The San Francisco Bay Conservation and Development Commission (BCDC) is a state agency created in 1965 by the McAteer-Petris Act to regulate development in the Bay and along its shoreline for the purpose of limiting and controlling the amount of fill placed in the Bay. The BCDC is the federally-designated state coastal management agency for the San Francisco Bay segment of the California coastal zone. The BCDC has jurisdiction over all areas of the Bay subject to tidal action which is defined by the shoreline at the mean high tide line, except in marsh areas, where the shoreline is located at five feet above mean sea level. BCDC’s jurisdiction also extends to certain waterways subject to tidal action identified in the McAteer-Petris Act including submerged lands, tidelands, and marshlands up to five feet above mean sea level. In addition, the BCDC also has jurisdiction over the “shoreline band” 100 feet wide inland and parallel to the shoreline. The Commission controls filling and dredging within its jurisdiction through a permit system established by the McAteer-Petris Act. There are several different types of permit applications, depending on the size, location, and impacts of a project.

In response to climate change and the challenges that it will present to the Bay Area, BCDC developed a Climate Change Planning Program to focus on developing strategies to reduce the region’s vulnerability to the impacts of climate change, including sea level rise.

BCDC permitting activities are guided by an adopted San Francisco Bay Plan, which is amended periodically to keep it current. The BCDC has designated certain areas

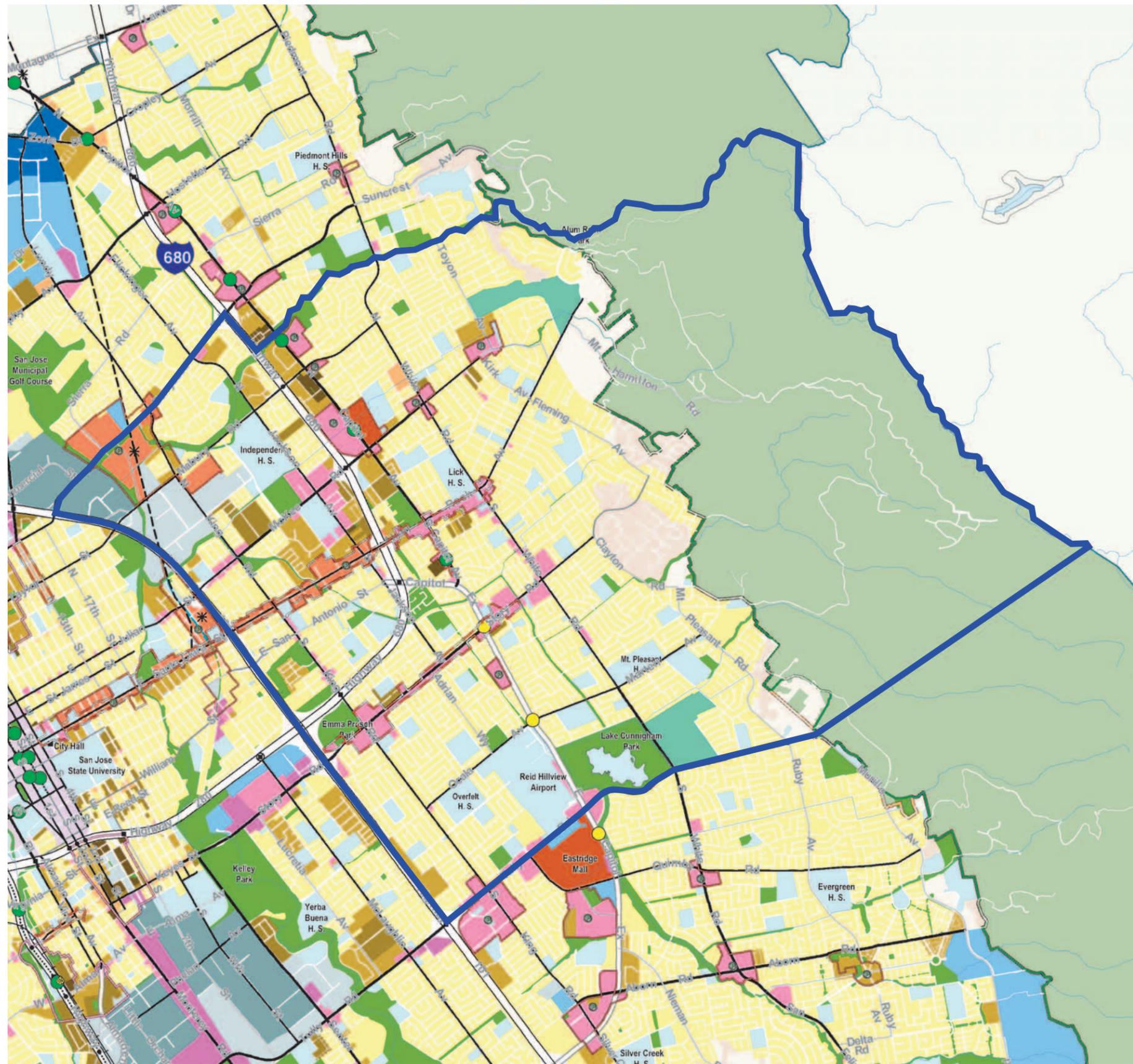


- Envision San Jose 2040 Designations**
- Downtown
  - Commercial Downtown
  - Urban Village
  - Transit Employment Center
  - Regional Commercial
  - Mixed Use Commercial
  - Neighborhood/Community Commercial
  - Combined Industrial/Commercial
  - Industrial Park
  - Light Industrial
  - Heavy Industrial
  - Public/Quasi-Public
  - Transit Residential
  - Urban Residential
  - Mixed Use Neighborhood
  - Residential Neighborhood
  - Rural Residential
  - Lower Hillside
  - Agriculture
  - Private Recreation and Open Space
  - Open Space, Parklands and Habitat
  - Open Hillside
  - Transportation and Utilities
  - Village Overlay Areas
  - Transit Employment Residential Overlay
  - Urban Reserves
  - Specific Plan Areas
  - Preferred Hotel Site Overlay
  - Urban Growth Boundary
  - Urban Service Area
  - Sphere of Influence
  - Floating Park
  - Proposed BART Stations
  - BART Line
  - CalTrain Stations
  - CalTrain Line
  - Light Rail Line
  - Interchange
  - Separation
  - Planning Area Boundary
  - Golf Course Overlay Site



LAND USE / TRANSPORTATION DIAGRAM - CENTRAL / DOWNTOWN

FIGURE 2.2-22(REVISED)



LAND USE / TRANSPORTATION DIAGRAM - ALUM ROCK

FIGURE 2.2-23(REVISED)



PREFERRED SCENARIO



RESIDENTIAL OPTION

**Envision San Jose 2040 Designations**

- Agriculture
- Combined Industrial/Commercial
- Downtown
- Transit Employment Center
- Heavy Industrial
- Industrial Park
- Light Industrial
- Hillside
- Mixed Use Commercial
- Mixed Use Neighborhood
- Neighborhood/Community Commercial
- Open Hillside
- Open Space, Park and Habitat
- Private Recreation
- Public/Quasi-Public
- Transportation and Utilities

- Regional Commercial
- Residential Neighborhood
- Rural Residential
- Transit Residential
- Urban Residential
- Village
- Village Overlay Areas
- Transit Employment Residential Overlay
- Urban Reserves
- Specific Plan Areas
- Preferred Hotel Site Overlay
- Urban Growth Boundary
- Urban Service Area
- Sphere of Influence

- P Floating Park
- \* Proposed BART Stations
- BART Line
- CalTrain Stations
- +— CalTrain Line
- Light Rail Line
- Interchange

- Project Option Site Boundary



within the 100-foot shoreline band for specific priority uses for ports, water-related industry, water-oriented recreation, airports and wildlife refuges. A wildlife refuge priority use area and a BCDC suggestion for providing continuous shoreline public access are identified for the Alviso area of San José in the BCDC’s Bay Plan. The BCDC currently is considering amendments to the Bay Plan that address tidal marshes, climate change, and sea level rise.

Page 158      *Section 3.1.3.1 Land Use Impacts from Revised Land Use Designations; **REVISE** Policy CD-4.9 as follows:*

Policy CD-4.9	For development subject to design review, <u>ensure</u> the design of new or remodeled structures <del>will be</del> <u>is</u> consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
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Page 159      *Section 3.1.3.1 Land Use Impacts from Revised Land Use Designations; **REVISE** Policy IP-1.6 as follows:*

Policy IP-1.6	Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance General Plan Vision, goals and policies <del>and benefit community welfare.</del>
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Page 163      *Section 3.1.3.2 Land Use Impacts from Villages and Corridors; **REVISE** Policy IP-5.3 as follows:*

Policy IP-5.3	<del>In lieu of p</del> Preparation of an Urban Village Plan, <del>is not necessary for</del> <u>maintain</u> the Downtown, North San José, and Specific Plan Areas, which have plans and strategies previously developed through a community planning process.
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Page 164      *Section 3.1.3.2 Land Use Impacts from Villages and Corridors; **REVISE** Policy IP-5.10 as follows:*

Policy IP-5.10	<p><del>Allow n</del>Non-residential development <del>may to</del> proceed within Urban Village areas in advance of the preparation of an Urban Village Plan. In addition, residential, mixed-use “Signature” projects may also proceed ahead of preparation of an Urban Village Plan. A Signature project clearly advances and can serve as a catalyst for the full implementation of the General Plan Urban Village strategy. Signature projects may be developed within an Urban Village designated as part of the current Plan Horizon, or in a future Horizon Urban Village area by making use of the residential Pool capacity. Residential, mixed-use Signature projects may proceed within Urban Village areas in advance of the preparation of an Urban Village Plan if they fully meet the following requirements:</p> <ol style="list-style-type: none"> <li>1. Conform to the Land Use/Transportation Diagram. Within the Urban Village areas, Signature projects are appropriate on sites with an Urban Village, residential, or commercial Land Use/Transportation Diagram designation.</li> <li>2. Incorporate job growth capacity above the average density of jobs/acre planned for the developable portions of the entire Village Planning area and, for portions of <del>the</del> Signature projects that include housing, those portions incorporate housing density at or above the average density of dwelling units<del>4</del></li> </ol>
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	<p><u>per</u> acre planned for the entire Village Planning area.</p> <p>3. <del>Is</del> <u>Are</u> located at a visible, prominent locations within the Village so that <del>it</del> <u>they</u> can be an examples for, but <del>does</del> not impose obstacles to, subsequent other development within the Village area.</p> <p>Additionally, <del>the</del> proposed Signature projects will be reviewed for substantial conformance with the following objectives:</p> <p>4. Includes public parklands and/or privately maintained, publicly-accessible plazas or open space areas.</p> <p>5. Achieves the pedestrian friendly design guideline objectives identified within this General Plan.</p> <p>6. Is planned and designed through a process that provided a substantive opportunity for input by interested community members.</p> <p>7. Demonstrates high-quality architectural, landscape, and site design features.</p> <p>8. Is consistent with the recommendations of the City’s Architectural Review Committee or equivalent recommending body if the project is subject to review by such body.</p>
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Page 165      *Section 3.1.3.2 Land Use Impacts from Villages and Corridors*; **REVISE** the list of policies as follows:

- Policy CD-1.17~~8~~
- Policy CD-1.23~~4~~
- Policy CD-1.26~~7~~

Page 166      *Section 3.1.3.2 Land Use Impacts from Villages and Corridors*; **REVISE** Policy CD-2.11 as follows:

Policy CD-2.11	<p>Within the Downtown and Urban Village Area Boundaries, consistent with the minimum density requirements of the <del>pertaining</del> <u>applicable</u> Land Use/ Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.</p>
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Page 166      *Section 3.1.3.2 Land Use Impacts from Villages and Corridors*; **REVISE** Policy CD-4.9 as follows:

Policy CD-4.9	<p>For development subject to design review, <u>ensure</u> the design of new or remodeled structures <del>will be</del> <u>is</u> consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).</p>
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Page 167      *Section 3.1.3.2 Land Use Impacts from Villages and Corridors*; **REVISE** Policy IP-1.6 as follows:

Policy IP-1.6	Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram and advance the General Plan Vision, goals and policies <del>and benefit community welfare.</del>
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Page 174      *Section 3.1.3.4 Land Use Impacts from Employment Land Areas*; **REVISE** Policy LU-8.1 as follows:

Policy LU-8.1	In areas that are designated for mixed industrial and commercial uses, <u>allow only</u> commercial uses that are compatible with industrial uses <del>may be allowed.</del> Non-employment uses <del>should be</del> <u>are</u> prohibited in these areas.
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Page 175      *Section 3.1.3.5 Land Use Impacts from Private Community Gathering Facilities*; **REVISE** the list of policies as follows:

- Policy ~~CG-1VN-5.2~~
- Policy ~~CG-1VN-5.4~~
- Policy ~~CG-1VN-5.5~~

Page 175      *Section 3.1.3.5 Land Use Impacts from Private Community Gathering Facilities*; **REVISE** Policy LU-8.1 as follows:

Policy LU-8.1	In areas that are designated for mixed industrial and commercial uses, <u>allow only</u> commercial uses that are compatible with industrial uses <del>may be allowed.</del> Non-employment uses <del>should be</del> <u>are</u> prohibited in these areas.
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Page 176      *Section 3.1.3.6 Impact to Agricultural Resources*; **REVISE** the fourth paragraph as follows:

~~Lester Martial Cottle Park~~ (Edenvale Planning Area) – ~~The County is planning a future park for the site. A house on the property may still be occupied.~~ Martial Cottle Park is a County park and State Park jointly owned by the County of Santa Clara and the State of California. The County of Santa Clara Board of Supervisors approved a Master Plan for Martial Cottle Park on February 8, 2011, and the California State Park and Recreation Commission approved a General Plan for the park on March 2, 2011. The site will be developed as a public historic agricultural park which will continue agricultural uses in perpetuity to comply with deed restrictions associated with the property transfer from the donor, Mr. Walter Cottle Lester. Land does not appear to be continues to remain under cultivation.

Page 178      *Section 3.1.3.6 Impact to Agricultural Resources*; **REVISE** Policy LU-19.9 as follows:

Policy LU-19.9	For all non-residential uses allowed in Open Hillside areas <u>outside of the Urban Growth Boundary</u> , other than agricultural and single-family residential land uses, <u>preserve</u> open space preservation through dedication of an open space or
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	<p>conservation easement may be required in order to:</p> <ul style="list-style-type: none"> <li>a) <u>o</u> Protect the public health, safety and general welfare;</li> <li>b) <u>o</u> Prevent or mitigate potentially significant adverse environmental impacts; and/or</li> <li>e) <u>o</u> To create perimeter areas that adequately buffer neighboring properties from adverse off-site impacts of the proposed land use.</li> </ul>
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Page 180 Section 3.1.3.7 Land Use Impact Outside the Urban Growth Boundary; **REVISE** the list of policies as follows:

**~~Balanced Resource Conservation Policy~~**

Policy ER-1.1	<del>Continue to maintain the Greenline/Urban Growth Boundary and focus development and redevelopment within the existing urban envelope of the City.</del>
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- Policy ER-~~2~~1.4
- Policy ER-~~2~~1.5
- Policy ER-~~2~~71.6
- Policy ER-~~4~~3.4
- Policy ER-~~5~~4.1
- Policy ER-~~5~~4.2

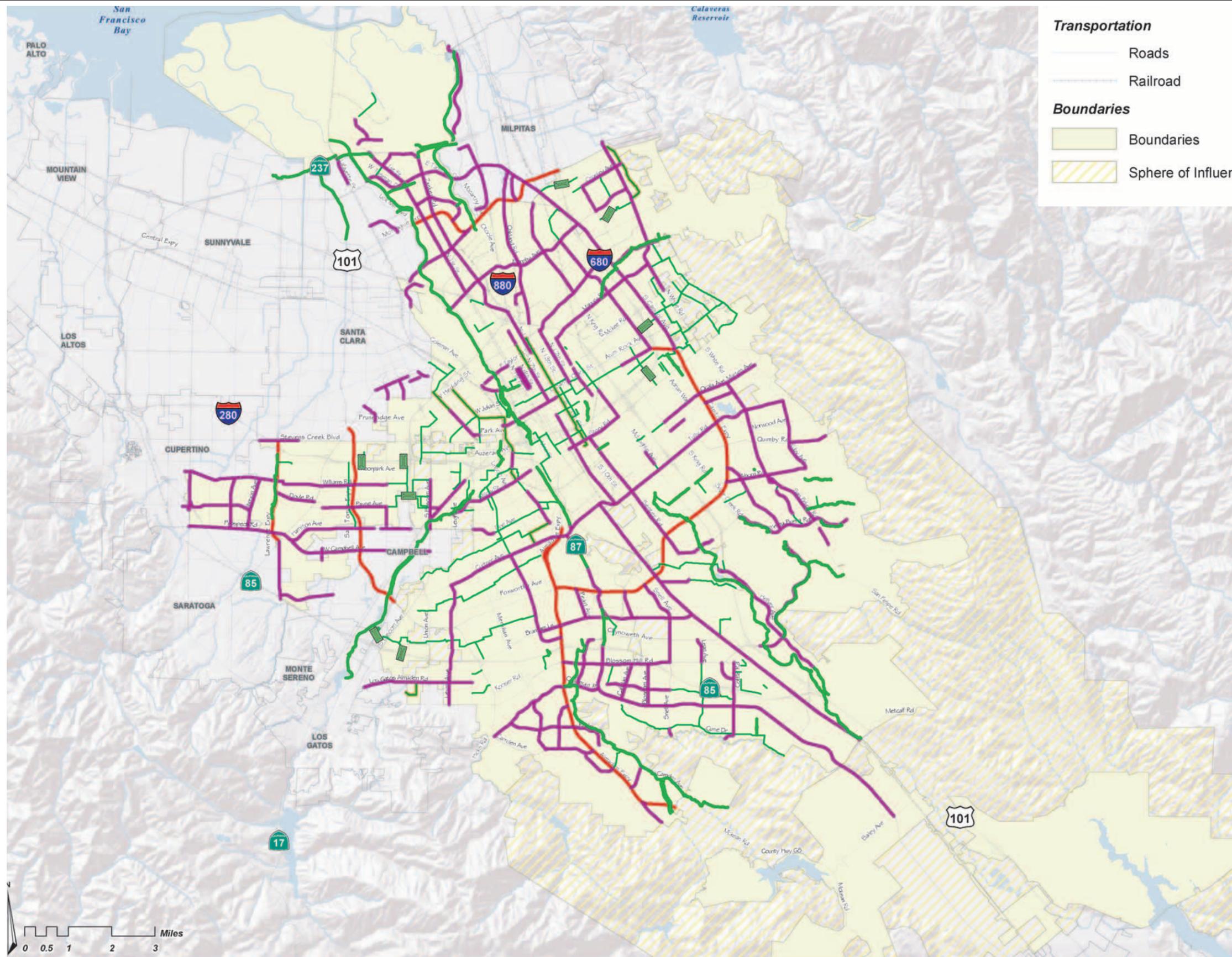
Page 180 Section 3.1.3.7 Land Use Impact Outside the Urban Growth Boundary; **REVISE** the following policies:

Policy ER- <del>7</del> 6.2	Design development at the urban/natural community interface of the Greenline/Urban Growth Boundary (UGB) to minimize the length of the shared boundary between urban development and natural areas <del>through</del> <u>by clustering of development</u> and locating <u>new</u> development closest to existing development. Key areas where natural communities are found adjacent to the UGB include the Baylands in Alviso, the Santa Teresa Hills, Alum Rock Park, and Evergreen.
Policy ER- <del>7</del> 6.3	<u>Employ low-glare lighting in developed areas adjacent to natural areas, including riparian woodlands will consist of low glare lighting.</u> Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
Policy ER- <del>7</del> 6.4	<u>Site public facilities such as ballparks and fields that require high-intensity night lighting will be sited</u> at least 0.5 mile from sensitive habitats to minimize light pollution, unless it can be demonstrated that lighting systems will not substantially increase lighting within natural areas (e.g., due to screening topography or vegetation).

Page 182 Section 3.1.3.7 Land Use Impact Outside the Urban Growth Boundary; **REVISE** Policy LU-17.4 as follows:

- g. Design streets to provide access and connectivity for area residents, and consider potential viewshed opportunities in siting development. Provide adequate access to safely accommodate potential traffic without significantly impacting local transportation routes. Consistent with accessibility requirements for emergency vehicles, ~~C~~onsider and encourage reduced width and modified street sections to design streets for utility and to minimize grading.

- Page 182      *Section 3.1.3.7 Land Use Impact Outside the Urban Growth Boundary*; **REVISE** Policy LU-19.6 as follows:
- c) Distinguish between urban and non-urban uses in terms of water usage by limiting water consumption for new development to use of non-urban sources, including on-site well water and rainfall catchment. Use of ~~one type of urban water source~~, recycled water, may be allowed. Irrigation of Open Hillside Areas with these water sources may be allowed provided that ~~its~~ their use would not result in a substantial direct or indirect environmental impact upon sensitive habitat areas, special status species, geologic hazard avoidance or the visual environment.
- Page 227      *Section 3.2.1.7 Pedestrian and Bicycle Circulation*; **REPLACE** Figure 3.2-4 with Figure 3.2-4 (**REVISED**) as shown on the following page.
- Page 233      *Section 3.2.1.9 Regulatory Framework; State Agencies and Programs; California AB 32 and SB 375*; **INSERT** the following text after the seventh paragraph on the page.
- Plan Bay Area is a joint effort led by ABAG and MTC in partnership with the Bay Area’s other two regional government agencies, the Bay Area Air Quality Management District (BAAQMD), and the Bay Conservation and Development Commission (BCDC). All four agencies are collaborating on preparation of an integrated land-use/transportation Plan that addresses the requirements of SB 375. Adoption of Plan Bay Area is anticipated in 2013.*
- Page 237      *Local Agencies and Programs; Citywide Emergency Evacuation Plan*; **REPLACE** the web address in the footnote at the end of the last paragraph in this section with the following:
- <http://www.sanjoseca.gov/emergencyServices/pdf/BASIC%20PLAN.pdf>
- Page 239      *Section 3.2.3 Transportation Impact Assumptions and Bases of Impacts; Proposed Roadway Network Changes*: **DELETE** the second sentence in the third paragraph in this section as shown:
- Tables 3.2-7 through 3.2-10 show the changes that are contained in the proposed General Plan in terms of number of lanes for motor vehicles. ~~Network changes compared to existing conditions are illustrated in Figure 3.2-5.~~ All these changes are included in the transportation analysis that was...
- Page 240      Figure 3.2-5 Proposed Network Changes; **DELETE** the entire figure.
- Page 244      *Section 3.2.3.1 Transportation Network Changes; Proposed Roadway Network Changes*; **REPLACE** Table 3.2-10 Proposed Roadway Network Changes/Group 4 Actions: Expanded Capacity with Table 3.2-10 REVISED (the table appears on page 288).
- Page 249      *Section 3.2.3.1 Transportation Network Changes*; **REPLACE** Figure 3.2-6 with Figure 3.2-6 (REVISED) as shown on page 289.



**Transportation**

- Roads
- Railroad

**Boundaries**

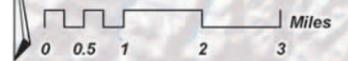
- Boundaries
- ▨ Sphere of Influence

**Pedestrian and Bicycle Over/Under Crossing**

- Existing Over/Under Crossing

**Bicycle Facilities**

- Class I Bicycle Path
- Class II Bicycle Lane
- Class III Bicycle Route
- Expressway (Bicycles Permitted)



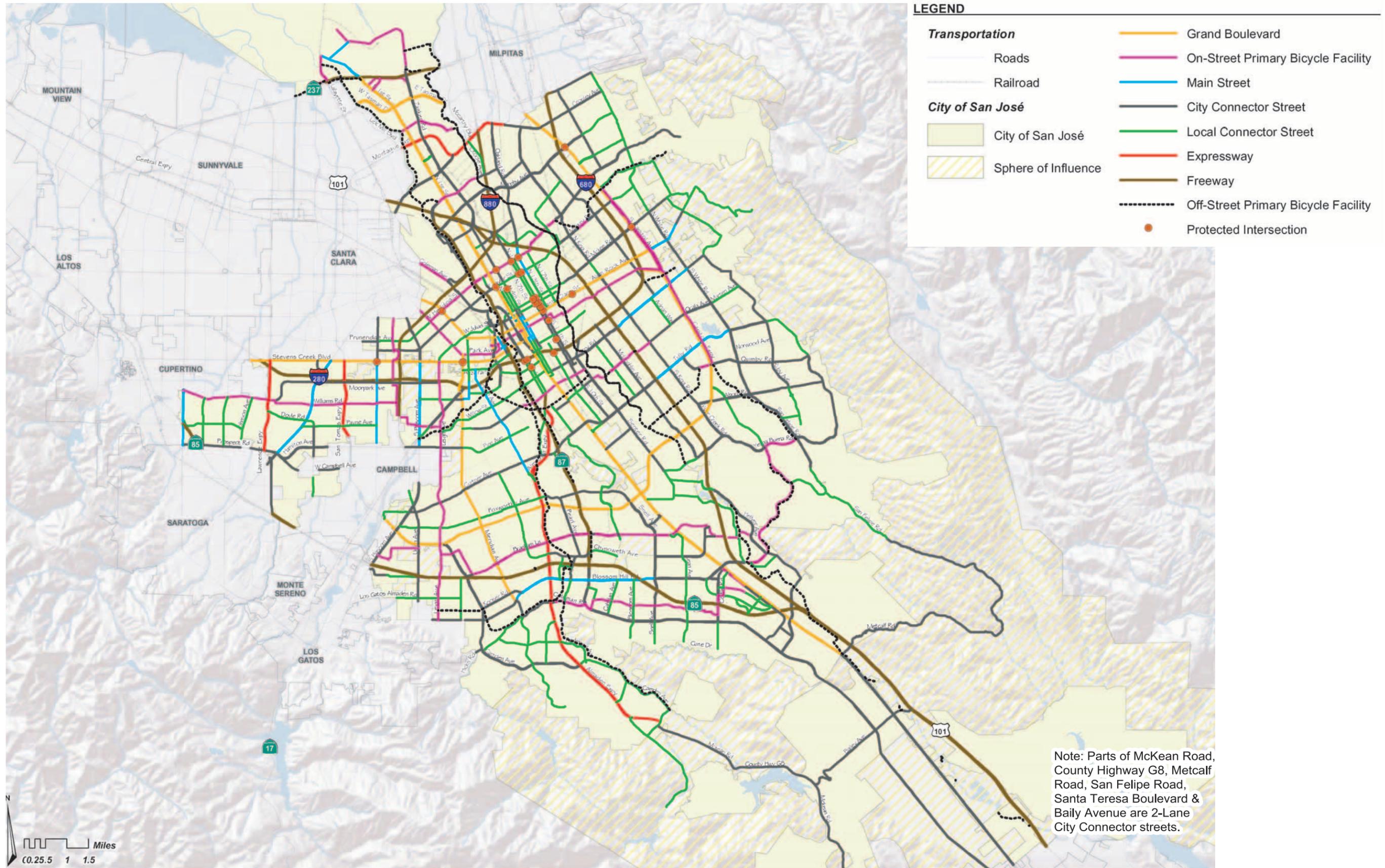
Source: Fehr & Peers Transportation Consultants

**EXISTING BICYCLE FACILITIES**

**FIGURE 3.2-4(REVISED)**

<b>Table 3.2-10 REVISED</b>					
<b>Proposed Roadway Network Changes</b>					
<b>Group 4 Actions: Expanded Capacity</b>					
Street	Location		Number of Travel Lanes		
			San José 2020 General Plan (2020)	Existing Conditions (2008)	Proposed <i>Envision San José 2040</i> Conditions (2035)
101/Mabury Interchange	n/a	n/a	IC	--	IC
101/Zanker Interchange	n/a	n/a	IC	--	IC
280/Senter Interchange	n/a	n/a	--	--	IC
<u>880/McCarthy-O'Toole Interchange</u>			--	--	IC
Autumn Street	Coleman Ave	Park Ave	4	0/2	4
Berryessa Road	Commercial St	I-680	6	4/6	6
Charcot Avenue	Junction Ave	Zanker Rd	4	2	4
Charcot Avenue	O'Toole Ave	Oakland Rd	2	0/2	2
Chynoweth Ave/ Thornwood Dr	Almaden Expwy	Winfield Bl	4	0	4
Communications Hill Blvd	Curtner Ave	Hillsdale Ave	4	0/4	2
Curtner Avenue	SR 87	Little Orchard St	6	4	6
Gish Road	I-880	Oakland Rd	4	2	4
Hillsdale Avenue	Capitol Expy	Pearl Ave	4	2/4	4
King Road	Mabury Rd	Berryessa Rd	4	2/4	4
Lucretia Avenue	Story Road	Tully Road	4	2/4	4
Mabury Road	Jackson Ave	Capitol Ave	4	2/4	4
Montague Expressway	1 <sup>st</sup> St	Trade Zone Bl	8	6/8	8
San Carlos Street	I-880	Bascom Ave	6	4	6
Santa Teresa Boulevard	Bayliss Dr	Laguna Ave*	6	2/4	6
Santa Teresa Boulevard	Laguna Ave*	City boundary	4	2	2
Saratoga Avenue	Doyle Rd	Campbell Ave	6	4/6	6
Saratoga Avenue	I-280	Stevens Creek Blvd	6	5/6	6
Senter Road	Balfour Dr	Dadis Way	6	4/6	6
Silver Creek Valley Rd/Blossom Hill Road	Hellyer Ave	Monterey Rd	6	4/6	6
Skyport Drive	1 <sup>st</sup> St	4 <sup>th</sup> St	--	0	6
Snell Road	Blossom Hill Rd	Branham Ln	6	4	6
Trimble Road	De La Cruz Blvd	Central Expwy	6	4/6	6
<u>Trimble Road/Montague Expressway</u>			=	=	<u>Flyover</u>
Tully Road	Monterey Rd	10 <sup>th</sup> St	6	4/5	6
Umbarger Road	Monterey Rd	Senter Rd	4	2	4
White Road	Marten Ave	Quimby Rd	6	5/6	6
Zanker Road	SR-237	<del>Montague Expwy</del> <u>US 101</u>	6	4/6	6

Notes:  
 IC = Interchange.  
 -- = Not designated/does not exist/de-listed.  
 n/a = Not delineated by a cross street.



Source: Fehr & Peers Transportation Consultants

# PROPOSED STREET TYPOLOGY

FIGURE 3.2-6(REVISED)

Page 250 *Section 3.2.3.1 Transportation Network Changes*; **REPLACE** Figure 3.2-7 with Figure 3.2-7 (REVISED) as shown on page 291.

Page 251 *Proposed Transit, Pedestrian and Bicycle Improvements*; BART; **REPLACE** the paragraph under this heading with the following text:

~~As shown on Figure 3.2-8, the BART system is proposed to extend 16 miles from the future terminus at the Warm Springs station in Fremont to Santa Clara via Downtown San José. The route will be fully grade-separated including a subway through Downtown San José. Trains are expected to arrive on this extension every six minutes and would serve the routes to Daly City via San Francisco and to Richmond via Oakland. Stations within San José will include Berryessa, Alum Rock, Downtown San José, and San José Diridon. The extension is estimated to have between 80,000 to 105,000 boardings and alightings per day on an average weekday. Currently, the projected opening year is 2018.~~

As shown on Figure 3.2-8, the BART system is proposed to extend 16 miles from the planned terminus at the Warm Springs station in Fremont (currently under construction by BART) to Santa Clara via Downtown San Jose. The extension through San Jose is being implemented by the Santa Clara Valley Transportation Authority and will be constructed in phases. The 10-mile first phase, currently in design, will commence construction early in 2012 with service expected to begin in 2018. This first phase will include two stations, one in Milpitas and the other in the Berryessa community of San José. The remaining segment is planned to include stations at Alum Rock, Downtown San José, San José Diridon, and Santa Clara. The route will be fully grade-separated including a subway through Downtown San José. Trains are expected to arrive on this extension every 7.5 minutes initially, increasing to one train every six minutes in the future, and would serve the routes to Daly City via San Francisco and to Richmond via Oakland. Assuming implementation of this proposed General Plan, the 16-mile extension is estimated to have approximately 198,000 riders per day on an average weekday by 2030.

Page 254 *Section 3.2.3.1 Transportation Network Changes*; **REPLACE** Figure 3.2-9 with Figure 3.2-9 (REVISED) as shown on page 292.

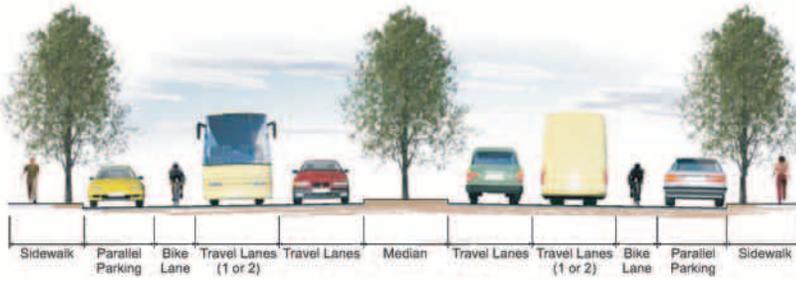
Page 264 *Section 3.2.4.1 VMT Impacts*; **REVISE** Policy TR-7.1 as follows:

Policy TR-7.1	Require large employers to develop and <u>maintain</u> TDM programs to reduce the vehicle trips generated by their employees.
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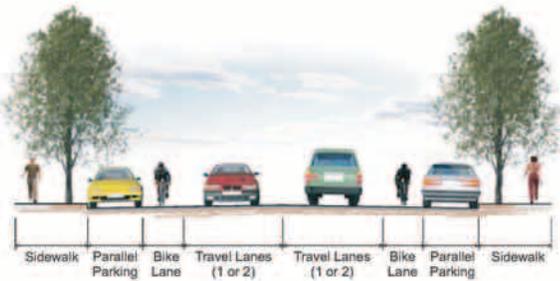
Page 265 *Section 3.2.4.1 VMT Impacts*; **REVISE** Action TR-12.5 as follows:

Action TR-12.5	Develop a system to provide real-time travel information along all <del>arterial</del> <u>General Plan</u> streets. This will enable all users to make informed travel decisions, enhance safety, increase use of non-auto travel modes, minimize emergency response times and reduce greenhouse gas emissions.
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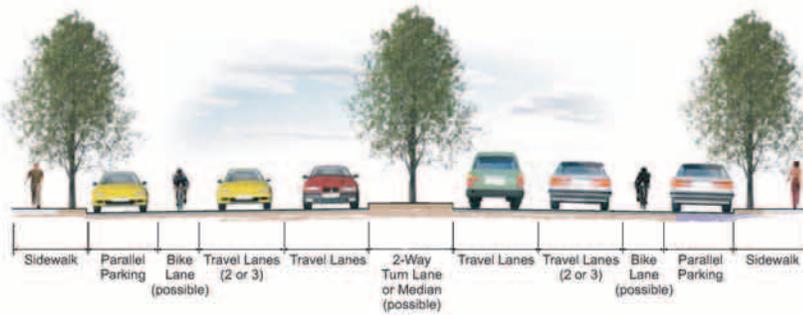
Grand Boulevard - Bus



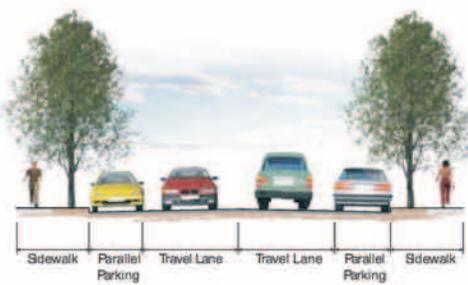
On-Street Primary Bicycle Facility



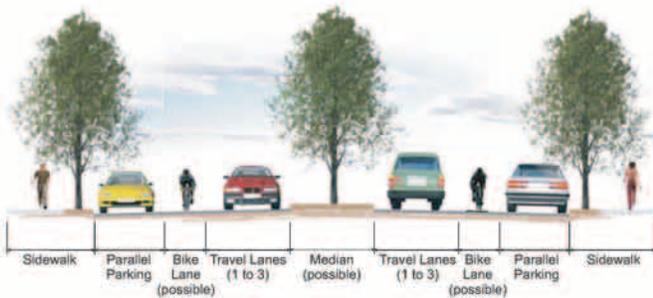
City Connector Street



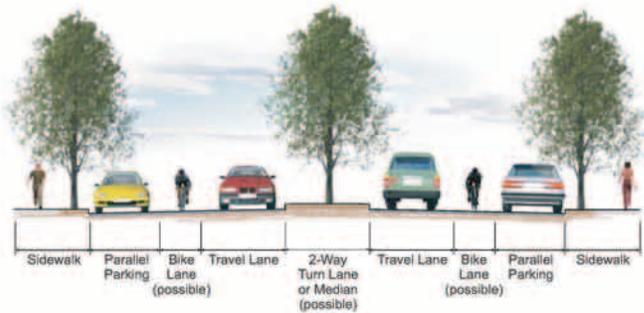
Residential Street



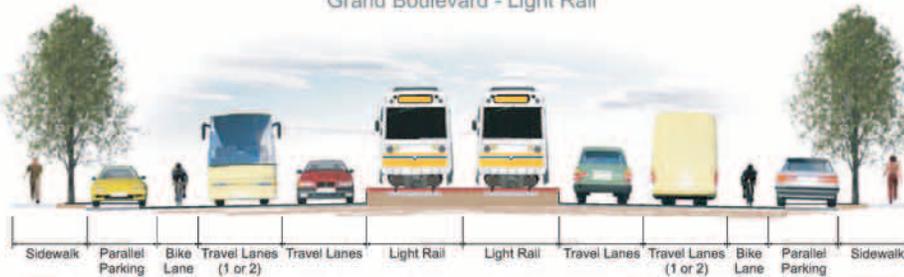
Main Street



Local Connector Street

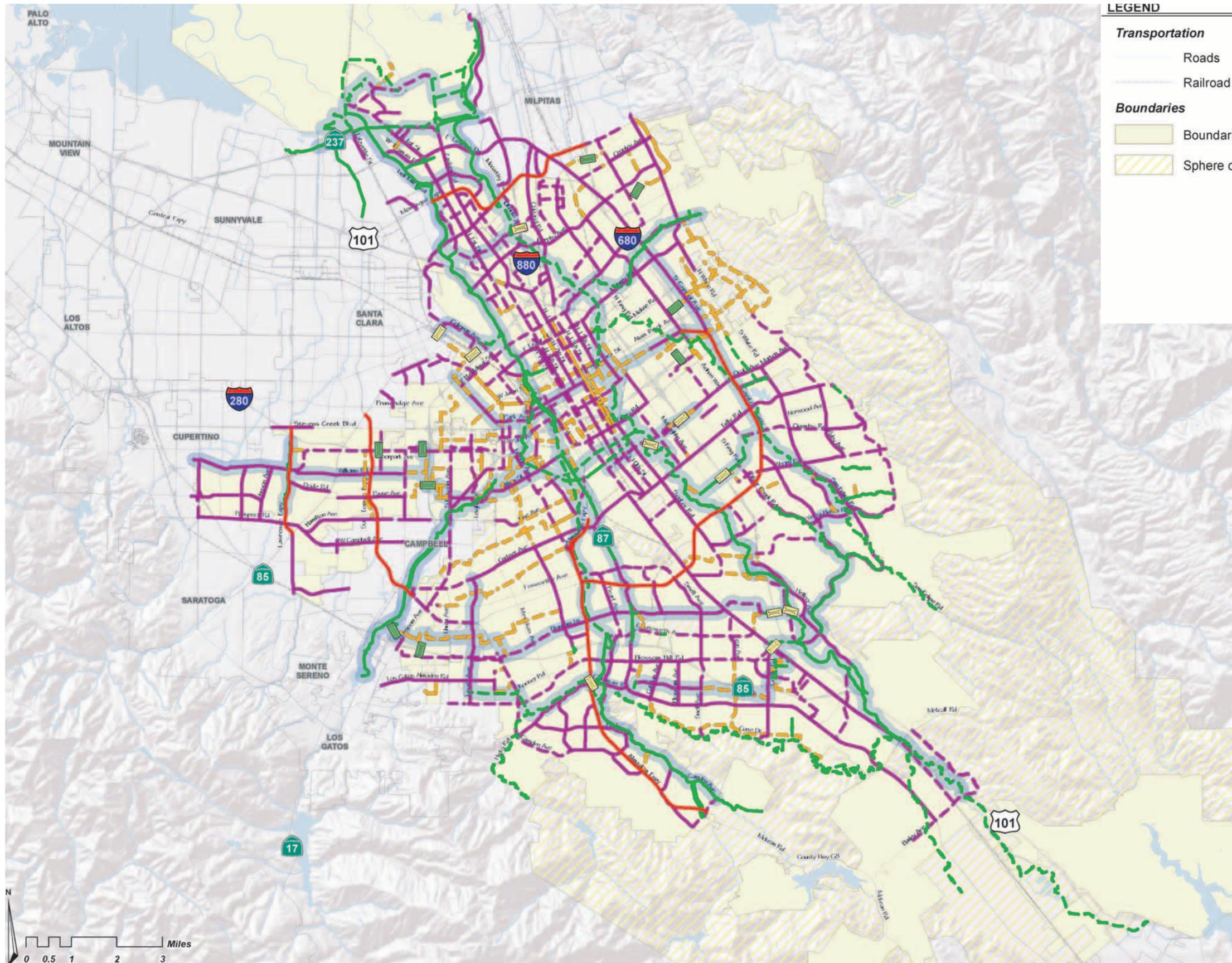


Grand Boulevard - Light Rail



Note: Although expressways are not within the jurisdiction of the City of San Jose, the City will work with the Santa Clara County Roads & Airports Department to accommodate multimodal access along expressways.

Source: Fehr & Peers Transportation Consultants



LEGEND	
<b>Transportation</b>	
	Roads
	Railroad
<b>Boundaries</b>	
	Boundaries
	Sphere of Influence
<b>Pedestrian and Bicycle Over/Under Crossing</b>	
	Existing Over/Under Crossing
	Proposed Over/Under Crossing
<b>Bicycle Facilities</b>	
	Primary Bicycle Facilities
	Existing Class I Bicycle Path
	Proposed Class I Bicycle Path
	Existing Class II Bicycle Lane
	Proposed Class II Bicycle Lane
	Existing Class III Bicycle Route
	Proposed Class III Bicycle Route
	Expressway (Bicycles Permitted)

Source: Fehr & Peers Transportation Consultants

FUTURE BICYCLE AND PEDESTRIAN FACILITIES

FIGURE 3.2-9(REVISED)

Page 266 Section 3.2.4.1 VMT Impacts; **REVISE** the text of Policy CD-2.3 as follows:

- c. Provide pedestrian connections as outlined in the ~~Urban~~ Community Design Connections Goal and Policies.

Page 272 Section 3.2.4.2 Mode Share Impact; **REVISE** the following policies:

Policy TR-1.10	Require needed public street right-of-way dedication and improvements as development occurs. The ultimate right-of-way shall be no less than the dimensions as shown on the <del>Land Use/Transportation</del> <u>Functional Classification Diagram</u> except when a lesser right-of-way will avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function. Additional public street right-of-way, beyond that designated on the <del>Land Use/Transportation</del> <u>Functional Classification Diagram</u> , may be required in specific locations to facilitate left-turn lanes, bus pullouts, and right-turn lanes in order to provide additional capacity at some intersections.
Policy TR-2.2	Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers <del>on City streets</del> that impede pedestrian and bicycle movement; <u>on City streets.</u> <del>Including</del> <u>including</u> consideration of grade-separated crossings at railroad tracks and freeways. Provide safe bicycle and pedestrian connections to all facilities regularly accessed by the public, including the Mineta San José International Airport.
Policy TR-2.8	Require new development <u>where feasible</u> to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-2.11	Prohibit the development of new cul-de-sacs, <u>unless it is the only feasible means of providing access,</u> or gated communities, that do not provide through and publicly accessible bicycle and pedestrian connections and pursue the development of new through bicycle and pedestrian connections in existing cul-de-sacs where feasible.

Page 273 Section 3.2.4.2 Mode Share Impact; **REVISE** Action TR-2.22 as follows:

Action TR-2.22	Collect <u>and report</u> pedestrian and bicycle counts, as part of routine manual traffic counts, along roadways and at intersections where bicycles and pedestrians are permitted. Quantifying pedestrian and bicycle activities will measure the amount of pedestrian and bicycle activities throughout the City and assist in determining and prioritizing infrastructure improvement projects.
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Page 274 Section 3.2.4.2 Mode Share Impact; **REVISE** Policy TN-2.3 as follows:

Policy TN-2.3	Add and maintain necessary infrastructure to facilitate <del>travel within a developed urban area to support trail usage.</del> <u>the use of trails as transportation.</u>
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Page 275 *Section 3.2.4.2 Mode Share Impacts; Discussion of Mode Share Impacts; REVISION* the paragraph in this sentence as shown:

Implementation of the planned Envision San José 2040 General Plan will improve transportation mode share, encouraging use of transit in particular, as shown in Table 3.2-12 ~~14~~ 14. The transportation model can measure the effects of physical land use patterns, but the hierarchy of policies above could make much greater progress in use of alternate transportation modes than what is measured by the model. Creation of a physical infrastructure and integration of the bicycle and pedestrian access described in the policies and actions above, and aggressive implementation of the policies, plans and laws ~~described below~~ listed above, will be necessary to fully realize the goals embedded in the General Plan.

Page 288 *Section 3.2.4.5 Impacts to Adjacent Jurisdictions; REVISION* the wording in the third sentence of the third paragraph on this page as shown:

The following roadways in each of the cities listed were analyzed to determine the impacts summarized in Table 3.2-17. CMP system roadways are identified in italicized text. Minor arterials were also analyzed to determine the impacts identified in Table 3.2-16 ~~-17~~ but are not specifically itemized in this list.

**REVISION** the list on this page as shown:

- Santa Clara Roadways: ~~North Mathilda Avenue, Crossman Avenue,~~ Lick Mill Road, ~~East Arques Avenue,~~ Monroe Street, Granada Avenue, Benton Street, Homestead Road, Pruneridge Avenue, Washington Street, Lincoln Street, Bowers Avenue, Calabazas Boulevard, Walsh Avenue, Martin Avenue, Scott Boulevard, El Camino Real, The Alameda, Kifer Road, Great America Parkway, Kiely Boulevard, Stevens Creek Boulevard, North Winchester Boulevard

Page 289 **REVISION** the list on this page as shown:

- Sunnyvale Roadways: Caribbean Drive, Crossman Avenue, Fair Oaks, Mathilda Avenue, Maude Avenue, Middlefield Road, Evelyn Avenue, Mary Avenue, Remington Drive, Hollenbeck Avenue, Fremont Avenue, Sunnyvale-Saratoga Road, South Wolfe Road, East Fremont Avenue, Reed Avenue, East Arques Avenue, East Duane Avenue, Oakmead Parkway
- Caltrans Facilities: *SR 237, US 101, SR 85, I-880, I-680, I-280, SR 17*
- Santa Clara Co. Facilities: *Central Expressway, Lawrence Expressway, San Tomas Expressway, Foothill Expressway, Montague Expressway; Almaden Expressway, Capitol Expressway.*

Page 293      *Section 3.2.4.7 Impacts from Roadway Designs and Incompatible*; **REVISE** Policy TR-1.10 and Action TR-4.5 as follows:

Policy TR-1.10	Require needed public street right-of-way dedication and improvements as development occurs. The ultimate right-of-way shall be no less than the dimensions as shown on the <del>Land Use/Transportation</del> <u>Functional Classification Diagram</u> except when a lesser right-of-way will avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function. Additional public street right-of-way, beyond that designated on the <del>Land Use/Transportation</del> <u>Functional Classification Diagram</u> , may be required in specific locations to facilitate left-turn lanes, bus pullouts, and right-turn lanes in order to provide additional capacity at some intersections.
Action TR-4.5	As appropriate, <del>continue to</del> regularly coordinate with rail operators in San José on the following matters: <ul style="list-style-type: none"> <li>• Maintenance of rail lines, landscaping, and easements</li> <li>• Vehicle and pedestrian safety at at-grade rail crossings</li> <li>• Rail electrification to increase the frequency of train service and reduce environmental impacts</li> <li>• Grade separations (either above-ground or underground) to improve street connectivity and pedestrian and bicycle mobility at ground level</li> <li>• The establishment of timed transfers with other transit providers in the area</li> <li>• Analysis and mitigation of the potential negative impacts resulting from increased train service, corridor expansion, and the eventual upgrading of a rail line.</li> </ul>

Page 332      *Section 3.3.4.1 Traffic Noise and Land Use Compatibility*; **REVISE** Policy EC-1.9 as follows:

Policy EC-1.9	<del>Require n</del> Noise studies <del>are required</del> for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, <u>implement mitigation will be implemented</u> so that recurring maximum instantaneous noise levels do not exceed 50 dBA L <sub>max</sub> in bedrooms and 55 dBA L <sub>max</sub> in other rooms.
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Page 334      *Section 3.3.4.1 New Noise Generating Land Uses and Compatibility*; **REVISE** Policies EC-1.3 and EC-1.9 as follows:

Policy EC-1.3	<del>New nonresidential land uses will m</del> Mitigate noise generation of <u>new nonresidential land uses</u> to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
Policy EC-1.9	<del>Require n</del> Noise studies <del>are required</del> for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, <u>implement mitigation will be implemented</u> so that recurring maximum instantaneous noise levels do not exceed 50 dBA L <sub>max</sub> in bedrooms and 55 dBA L <sub>max</sub> in other rooms.

Page 341 Section 3.3.4.3 Traffic-Generated Noise Levels; **REVISE** Policy EC-1.4 as follows:

Policy EC-1.4	Include appropriate noise attenuation techniques in the design of all new <del>arterial</del> <u>General Plan</u> streets projected to adversely impact noise sensitive uses.
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Page 345 Section 3.3.4.4 Airport Noise; **REVISE** the following policies:

Policy EC-1.9	<del>Require n</del> Noise studies <del>are required</del> for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, <u>implement</u> mitigation <del>will be implemented</del> so that recurring maximum instantaneous noise levels do not exceed 50 dBA L <sub>max</sub> in bedrooms and 55 dBA L <sub>max</sub> in other rooms.
Policy EC-1.11	<del>Continue to r</del> Require safe and compatible land uses within the Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.

Page 348 Section 3.3.4.5 Construction Noise; **REVISE** the Policy EC-1.7 as follows:

Policy EC-1.7	<p><del>Require C</del> construction operations within the City <del>will be required</del> <u>San José</u> to use best available noise suppression devices and techniques and <del>continue to</del> limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:</p> <ul style="list-style-type: none"> <li>• Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.</li> </ul> <p>For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.</p>
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Page 350 Section 3.3.4.8 Impacts of Rancho del Pueblo and iStar Residential Options; **REVISE** the first sentence of the last paragraph on the page as follows.

A comparison and summary of noise and vibration ~~public facilities and services~~ impacts for the residential options is shown in Table 3.3-9.

Page 379 Section 3.4.3.2 Consistency with Air Quality Plan Control Measures; **REVISE** Action TR-4.5 in Table 3.4-9 as follows:

**Action TR-4.5:** As appropriate, ~~continue to~~ regularly coordinate with rail operators in San Jose on the following matters:

- Maintenance of rail lines, landscaping, and easements
- Vehicle and pedestrian safety near at-grade rail crossings
- Rail electrification to increase the frequency of train service and reduce environmental impacts

- Grade separations (either above-ground or underground) to improve street connectivity and pedestrian and bicycle mobility at ground level
- The establishment of timed transfers with other transit providers in the area.
- Analysis and mitigation of the potential negative impacts resulting from increased train service, corridor expansion, and the eventual upgrading of a rail line.

Page 380 *Section 3.4.3.2 Consistency with Air Quality Plan Control Measures; REVISE* Policy TR-9.2 in Table 3.4-9 as follows:

**Policy TR-9.2:** Serve as a model city for VMT reduction by implementing programs and policies that reduce VMT for City of San Jose employees.

Page 382 *Section 3.4.3.2 Consistency with Air Quality Plan Control Measures; REVISE* Policies TR-2.8 and TR-2.11 in Table 3.4-9 as follows:

**Policy TR-2.8:** Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

**Policy TR-2.11:** Prohibit the development of new cul-de-sacs, unless it is the only feasible means of providing access, or gated communities, that do not provide through and publicly accessible bicycle and pedestrian connections and pursue the development of new through bicycle and pedestrian connections in existing cul-de-sacs where feasible.

Page 385 *Section 3.4.3.2 Consistency with Air Quality Plan Control Measures; REVISE* Policies MS-10.5 and LU-5.5 in Table 3.4-9 as follows:

**Policy MS-10.5:** In order to reduce vehicle miles traveled and traffic congestion, require new development within 2,000 feet of an existing or planned transit station ~~will be required~~ to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.

**Policy LU-5.5:** ~~Provide~~ Encourage pedestrian and vehicular connections between adjacent commercial properties with reciprocal-access easements to encourage safe, convenient, and direct pedestrian access and “one-stop” shopping. Encourage and facilitate shared parking arrangements through parking easements and cross-access between commercial properties to minimize parking areas and curb-cuts.

Page 388 *Section 3.4.3.2 Consistency with Air Quality Plan Control Measures; REVISE* Policy MS-11.3 and Action 11.8 in Table 3.4-10 as follows:

**Policy MS-11.3:** ~~Truck circulation routes will be reviewed for projects generating significant~~ Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.

**Action MS-11.8:** ~~Require signage at~~ For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.

Page 393 *Section 3.4.3.3 Impacts to Sensitive Receptors from Substantial Pollutant Concentrations; REVISE* Policy MS-11.3 and Action MS-11.8 as follows:

Policy MS-11.3	<del>Truck circulation routes will be reviewed for projects generating significant</del> <u>Review projects generating significant</u> heavy duty truck traffic to designate truck
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	routes that minimize exposure of sensitive receptors to TACs and particulate matter.
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Action MS-11.8	<del>Require signage at</del> For new projects that generate truck traffic, <u>require signage</u> which reminds drivers that the State truck idling law limits truck idling to five minutes.
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Page 398      *Section 3.4.3.6 Violate an Ambient Air Quality Standard or Contribute Substantially to an Existing or Projected Air Quality Violation*; **REVISE** Policy MS-10.5 as follows:

Policy MS-10.5	In order to reduce vehicle miles traveled and traffic congestion, <u>require</u> new development within 2,000 feet of an existing or planned transit station <del>will be required</del> to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.
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Page 400      *Section 3.4.3.7 Climate Change*; **INSERT** the following policy above the subheading Community Forest Policies.

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**Energy Conservation and Renewable Energy Use**

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Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development.
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Page 400      *Section 3.4.3.7 Climate Change*; **INSERT** the following policy under the subheading Community Forest.

Policy MS-21.1	Manage the Community Forest to achieve San José’s environmental goals for water and energy conservation, wildlife habitat preservation, stormwater retention, heat reduction in urban areas, energy conservation, and the removal of carbon dioxide from the atmosphere.
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Page 400      *Section 3.4.3.7 Climate Change*; **REVISE** Policies MS-21.4 and MS-21.8 as follows:

Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to <del>effectively</del> preserve it.
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Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the <u>selection and</u> planting of new trees to achieve the following goals: <ol style="list-style-type: none"> <li>1. Avoid conflicts with nearby power lines.</li> <li>2. Avoid potential conflicts between tree roots and developed areas.</li> <li>3. Avoid use of invasive, non-native trees.</li> <li>4. Remove existing invasive, non-native trees.</li> <li>5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.</li> </ol>
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	6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.
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Page 401 *Section 3.4.3.7 Climate Change*; **REVISE** the list of policies as follows:

Policy CD-1.243  
 Policy CD-1.254

Page 402 **REVISE** the heading for Section 3.4.4.8 to Section 3.4.3.8

Page 407 **REVISE** the heading for Section 3.4.5.1 to Section 3.4.5.2

Page 432 **REVISE** the sixth column in Table 3.5-2 for the occurrence of *Cirsium fontinale* var. *campylon* (Mt. Hamilton thistle) as follows.

~~Northern~~ Coyote Ridge (extending west of Hwy. 101 in a few areas), near Anderson and Calero Reservoirs; suitable habitat in the Santa Teresa and Almaden Hills, and near Anderson and Calero Reservoirs.

Pages 438 **REVISE** the sixth column in Table 3.5-3 for the occurrence of *Rana draytonii* (California red-legged frog) as shown below.

Near Metcalf Road, Cherry Creek (upstream of Calero Reservoir), west of Anderson Reservoir, east of Anderson Reservoir (Twin Lakes and Tule Lake), Las Animas Creek, in stock ponds in open grasslands east of the City limits of San José, in San Felipe Creek, on either side of Hwy. 101 near Kirby Canyon, Joseph D. Grant County Park and Alum Rock Park. Possibly present in southern Almaden Valley or the outskirts of the UGB in the Evergreen area. Apparently extirpated from much of the valley floor. Individuals from breeding populations may occasionally disperse, or be washed, downstream into the upper reaches of streams such as Guadalupe Creek, Calero Creek, and Thompson Creek.

Pages 438-439 **REVISE** the sixth column in Table 3.5-3 for the occurrence of *Haliaeetus leucocephalus* (Bald Eagle) as shown below.

A pair nested at Anderson Reservoir in 2010 and 2011, providing the only nest record for the Study Area. Small numbers forage at Calero and Anderson Reservoirs and in Coyote Valley during the nonbreeding season.; ~~likely that breeding will occur in or close to the City limits at these reservoirs in the future.~~

Page 440 **REVISE** the sixth column in Table 3.5-3 for the occurrence of *Aquila chrysaetia* (Golden Eagle) as shown below.

Known to nest on an electrical tower below Calero Reservoir, in the Santa Teresa Hills, on Coyote Ridge, near Alum Rock Park, and near Anderson Reservoir. Forages over grasslands and agricultural areas, such as in hills on either side of Santa Clara Valley and in Coyote Valley.

Page 445 **REVISE** the sixth column in Table 3.5-3 for the occurrence of *Taxidea taxus* (American badger) as shown below.

Occurs in grasslands (and occasionally agricultural lands) in the Santa Teresa Hills, ~~edges of~~ Coyote Valley, Coyote Ridge, and Tulare Hill. May also be present in extensive grasslands outside heavily developed areas.

Page 445 **REVISE** the sixth column in Table 3.5-3 for the occurrence of *Bassariscus astutus* (Ringtail) as shown below.

May be present in small numbers in less developed, wooded areas such as around the north end of Anderson Reservoir and south and west of Calero Reservoir. Reported in Coyote Valley.

Page 450 *Section 3.5.1.6 Regulatory Framework*; **REVISE** the third paragraph on the page as follows.

The San Francisco Bay Conservation and Development ~~District~~ Commission (BCDC) is a state agency created in 1965 under the McAteer- Petris Act to regulate development in the Bay and along its shoreline for the purpose of limiting and controlling the amount of fill placed in the Bay. The BCDC is the federally-designated state coastal management agency for the San Francisco Bay segment of the California coastal zone. The BCDC has jurisdiction over all areas of the Bay subject to tidal action which is defined by the shoreline at the mean high tide line, except in marsh areas, where the shoreline is located at five feet above mean sea level. BCDC’s jurisdiction also extends to certain waterways subject to tidal action identified in the McAteer-Petris Act including submerged lands, tidelands, and marshlands up to five feet above mean sea level. In addition, the BCDC has jurisdiction over the “shoreline band” 100 feet wide inland and parallel to the shoreline. It is necessary to obtain a BCDC permit prior to undertaking most work in the Bay or within 100 feet of the shoreline, including filling, dredging, shoreline development and other work. There are several different types of permit applications, depending on the size location and impacts of a project.

Page 451 *Section 3.5.1.6 Regulatory Framework*; **REVISE** the first sentence under the subheading “Santa Clara Valley Water District Permits” as shown.

The SCVWD requires permits for all well construction and destruction work, most exploratory boring for groundwater exploration, and projects or work that occurs within 50 feet of any watercourse in Santa Clara County where the SCVWD holds a property interest (either in fee title or an easement).

Page 464 *Section 3.5.3.2 Direct Impacts to Natural Communities and Habitats*; **REVISE** the list of policies as follows:

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**Balanced Resource Conservation Policy**

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Policy ER-1.1

Continue to maintain the Greenline/Urban Growth Boundary and focus development and redevelopment within the existing urban envelope of the City.

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- Policy ER-~~21~~.2
- Policy ER-~~21~~.4
- Policy ER-~~21~~.5
- Policy ER-~~2.71~~.6
- Policy ER-~~2.81~~.7
- Policy ER-~~32~~.1
- Policy ER-~~32~~.2
- Policy ER-~~32~~.3
- Policy ER-~~32~~.4
- Policy ER-~~43~~.1
- Policy ER-~~43~~.4
- Policy ER-~~43~~.5
- Policy ER-~~54~~.1
- Policy ER-~~54~~.2
- Policy ER-~~54~~.3
- Policy ER-~~76~~.2
- Policy ER-~~76~~.3
- Policy ER-~~76~~.5
- Policy ER-~~76~~.8

Page 465      *Section 3.5.3.2 Direct Impacts to Natural Communities and Habitats; INSERT the following policies above the subheading “Urban Natural Interface”:*

<b><u>Migratory Birds</u></b>	
<u>Policy ER-5.1</u>	<u>Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.</u>
<u>Policy ER-5.2</u>	<u>Require that development projects incorporate measures to avoid impacts to nesting migratory birds.</u>

Page 466      *Section 3.5.3.2 Direct Impacts to Natural Communities and Habitats; REVISE Policies ER-7.4 and MS-21.8 as follows:*

<u>Policy ER-<del>76</del>.4</u>	<u>Site <del>P</del>ublic facilities such as ballparks and fields that require high-intensity night lighting <del>will be sited</del> at least 0.5 mile from sensitive habitats to minimize light pollution, unless it can be demonstrated that lighting systems will not substantially increase lighting within natural areas (e.g., due to screening topography or vegetation).</u>
<u>Policy MS-21.8</u>	<u>For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the <u>selection and planting</u> of new trees to achieve the following goals:</u> <ol style="list-style-type: none"> <li>1. Avoid conflicts with nearby power lines.</li> <li>2. Avoid potential conflicts between tree roots and developed areas.</li> <li>3. Avoid use of invasive, non-native trees.</li> </ol>

	<ol style="list-style-type: none"> <li>4. Remove existing invasive, non-native trees.</li> <li>5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.</li> <li>6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.</li> </ol>
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Page 467      *Section 3.5.3.2 Direct Impacts to Natural Communities and Habitats; REVISE*  
 Policy LU-19.6 as follows:

Policy LU-19.6	<p>Use the Urban Service Area (USA) boundary as a tool to preserve the non-urban character of development on lands outside of the Urban Growth Boundary. To this end, limit all new development on lands outside of the USA as follows.</p> <ol style="list-style-type: none"> <li>a) Do not provide urban services to new development outside of the USA.</li> <li>b) Require that new development projects cause no significant increase <del>for</del> <u>in</u> public services or infrastructure and are non-urban in terms of             <ol style="list-style-type: none"> <li>1. Waste water generation rates.</li> <li>2. Traffic generation rates.</li> <li>3. Extent of grading, vegetation removal, drainage modifications or other alteration of the natural environment.</li> <li>4. Noise or other nuisance potential.</li> <li>5. Growth inducing potential.</li> <li>6. Water consumption, excluding the environmentally beneficial use of recycled water.</li> </ol> </li> <li>c) Distinguish between urban and non-urban uses in terms of water usage by limiting water consumption for new development to use of non-urban sources, including on-site well water and rainfall catchment. Use of <del>one type of urban water source,</del> recycled water, may be allowed. Irrigation of Open Hillside Areas with these water sources may be allowed provided that <del>its</del> <u>their</u> use would not result in a substantial direct or indirect environmental impact upon sensitive habitat areas, special status species, geologic hazard avoidance or the visual environment.</li> </ol>
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Page 470      *Section 3.5.3.3 Indirect Impacts to Sensitive Serpentine Habitats; REVISE* Actions ER-2.9 and ER-2.10 as follows:

Action ER- <del>2.9</del> <u>1.8</u>	<p><del>Continue to w</del>Work with Local Partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the Cities of Gilroy and Morgan Hill) and three Wildlife Agencies (the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service (NMFS-NOAA Fisheries) on completion of the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) project. Once completed and adopted, implement an HCP/NCCP that both mitigates for land and stream development impacts and provides additional conservation, restoration, and enhancement efforts.</p>
Action ER- <del>2.10</del> <u>1.9</u>	<p>In the event an HCP/NCCP which includes measures to off-set indirect impacts to serpentine grassland habitats is not adopted, as City resources allow, develop and implement a comparable City of San José program for <del>the</del> preservation of</p>

	serpentine grasslands based upon the strategies developed through the HCP/NCCP <del>project process.</del>
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Page 476      *Section 3.5.3.5 Impacts to Native Fish and Wildlife Movement*; **REVISE** the list of policies and actions as follows:

Fish and Wildlife Movement Along Riparian Corridors

**~~Balanced Resource Conservation~~**

Policy ER-1.1	<del>Continue to maintain the Greenline/Urban Growth Boundary and focus development and redevelopment within the existing urban envelope of the City.</del>
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- Policy ER-~~32~~.1
- Policy ER-~~32~~.2
- Policy ER-~~32~~.3
- Policy ER-~~32~~.4
- Policy ER-~~76~~.7
- Policy ER-~~87~~.2
- Policy ER-~~87~~.3
- Action ER-~~87~~.4

Wildlife Movement in Coyote Valley

**~~Balanced Resource Conservation~~**

Policy ER-1.1	<del>Continue to maintain the Greenline/Urban Growth Boundary and focus development and redevelopment within the existing urban envelope of the City.</del>
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- Policy ER-~~76~~.7
- Policy ER-~~87~~.2
- Action ER-~~87~~.4

Bird Movement Through the Alviso Area

- Policy ER-~~87~~.1

Page 477      *Section 3.5.3.5 Impacts to Native Fish and Wildlife Movement*; **INSERT** the following policy below Action ER-7.4 at the top of the page under the subheading Fish and Wildlife Movement Along Riparian Corridors and under the subheading Wildlife Movement in Coyote Valley.

**Provision of Infrastructure**

Policy IN-1.11	<u>Locate and design utilities to avoid or minimize impacts to environmentally sensitive areas and habitats.</u>
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Page 480 *Section 3.5.3.6 Impacts to Special-Status Plants*; **REVISE** the list of policies as follows:

- Policy ER-~~2~~1.2
- Policy ER-~~2~~1.4
- Policy ER-~~2~~1.5
- Policy ER-~~2~~.71.6
- Policy ER-~~2~~.81.7
- Policy ER-43.5
- Policy ER-~~5~~4.1
- Policy ER-~~5~~4.2
- Policy ER-~~5~~4.3
- Policy ER-~~5~~4.4

Page 482 *Section 3.5.3.7 Impacts to Special Status Animals*; **ADD** the following to the end of the second paragraph on the page.

In addition, seven bird species that are state and/or federally listed occur in the city limits as nonbreeding migrants, transients, or foragers but are not known or expected to breed or occur in large numbers in the city limits. These include the California condor, Swainson’s hawk, California black rail, California least tern, willow flycatcher, least Bell’s vireo, and bank swallow. All of these avian species occur in the city limits as transients, foragers, or migrants, primarily during migration or in the winter months. Many of these species are associated with wetland or aquatic habitats that occur in the city limits primarily outside of the UGB. Impacts to these species and their habitats resulting from allowable development under the General Plan update would be very limited. (see Appendix E, pages 186-187).

Page 482 *Section 3.5.3.7 Impacts to Special Status Animals*; **ADD** the following after the second paragraph on the page.

Possible impacts to selected special status animals are summarized below.

**Bay Checkerspot Butterfly:** The Bay checkerspot butterfly occurs in serpentine bunchgrass or serpentine rock outcrop habitats with sufficient populations of host plant species. Within the UGB, Bay checkerspot butterfly habitat only occurs in a planned growth area along the eastern edge of the New Edenvale Employment Land Area. Development in this area could result in direct impacts to habitat from development and construction or indirect impacts to Bay checkerspot butterflies from pesticides that drift from application areas, fire, and vehicle strikes related to increased traffic, all associated with the proximity of development and/or habitat management. In addition, butterflies disperse somewhat randomly and individual butterflies can be affected while dispersing through adjacent habitats or land use areas. The Bay checkerspot butterfly is also affected indirectly by invasion of serpentine grasslands by non-native plants (see Section 3.5.3.3 Indirect Impacts to Sensitive Serpentine Habitats).

Most of the serpentine grasslands within the city limits occur outside the UGB along Coyote Ridge, in Santa Teresa County Park, on Tulare Hill, on the west side of Coyote Valley, and near Calero Reservoir. Impacts to serpentine grassland outside

the UGB could occur as a result of increased rural residential development and increased recreational activities. Development under allowable land use designations (e.g., Open Hillside, Open Space, Parks, and Habitat) in these areas would potentially have all the same impacts as development within the UGB, although the extent of impacts would vary in severity. Available habitat for Bay are extremely limited and loss of any habitat or individuals will have a substantial effect on the species (see Appendix E, pages 171-172).

**Pacific Lamprey, Green Sturgeon, Central Valley Fall-run Chinook Salmon, Central California Coast Steelhead, and Longfin Smelt:** Special-status fish species that occur in the aquatic habitats within the city limits are the Pacific lamprey, green sturgeon, Central Valley Fall-run Chinook salmon, Central California Coast steelhead, and longfin smelt. The green sturgeon and longfin smelt have the potential to occur in tidal reaches of sloughs in the Alviso area. The Pacific lamprey, steelhead, and Chinook occur in the larger streams flowing into South San Francisco Bay and their tributaries, where they spawn in reaches with suitable substrate and use downstream reaches and tidal reaches for migration between the ocean and spawning and rearing areas. These species are assessed as a group because they are similarly associated with aquatic habitats, and the potential for impacts from implementation of the proposed General Plan on these species will be similar.

Special-status fish can be harmed or killed during construction activities, and during or after construction there can be increased mortality due to development related effects. There are two separate development effects within the UGB that can impact special-status fish: direct habitat effects and indirect effects such as water quality and human presence- or activity-associated effects. Within the UGB, development within planned growth areas, vacant and entitled parcels, and roadways may all affect adjacent habitat; however, the City's existing riparian setback policy will protect most riparian habitat bordering fish habitat. This will not provide protection from most indirect impacts that will be more likely from development in proximity to the watercourses. Populations and available habitats for special-status fish species are limited locally and regionally and loss of habitat or individuals may have a substantial effect on local and regional populations of the species (see Appendix E, pages 172-177).

**California Tiger Salamander, California Red-legged Frog, and Foothill Yellow-legged Frog:** Special-status amphibians that occur in the city limits are the California tiger salamander, California red-legged frog, and foothill yellow-legged frog. These species are assessed as a group because they are similarly associated with aquatic habitats in the city limits, and because potential impacts of the General Plan on these species will be similar. Habitat for all three species within the city limits is primarily in the areas of San José outside of the UGB.

California tiger salamanders breed in temporary or permanent ponds that are surrounded by open upland habitats, preferably grasslands, and take refuge in small mammal burrows during the dry season. California red-legged frogs breed in ponds and streams, and may forage in adjacent riparian, grassland, or wetland habitats particularly in the rainy season. Foothill yellow-legged frogs occur in higher gradient streams with riffles and cobble-sized rocks, and forage in nearby upland or wooded areas. All of these species use aquatic, wetland, riparian, grassland, agricultural, and

oak woodland habitats for dispersal between aquatic habitats. Due to past development and other impacts, coupled with the unsuitability of the substrate in many valley-floor streams, populations of foothill yellow-legged frogs are not currently known or expected to occur within the UGB, and populations of California tiger salamanders and California red-legged frogs are very limited in number and extent within the UGB. Extant populations of California tiger salamanders are known to occur in the South San José Planning Area in ponds in the Communications Hill Specific Plan Area, in the Coyote Planning Area in ponds south of Bailey Avenue in the North Coyote Valley Employment Land Area, and potentially in the Almaden Planning Area in ponds in southern Almaden Valley and in the Evergreen Planning Area. Populations of California red-legged frogs are not currently known to occur within the UGB, but the species could potentially be present in southern Almaden Valley or on the margins of the UGB in the Evergreen Planning Area.

Clearing and grading for development may result in the direct loss of habitat or individuals through the filling or hydrologic alteration of ponds, streams and wetlands, loss of upland foraging or dispersal habitat, and contact with construction equipment. New roads and developments through breeding, foraging, or dispersal habitats may isolate populations from one another and increase mortality of dispersing individuals. Increases in human concentration and activity associated with development in the vicinity of suitable habitat may result in an increase in native and non-native predators, an increase in predation by pets or feral animals and an increase in mortality on new roads or from increased traffic on existing roads, or from the introduction of non-native vegetation. Increased night lighting associated with new development may affect the behavior of these species, and could increase predation. During or after construction, water quality may be degraded by increased flow (with increased erosion), sedimentation, or contamination (e.g., road pollutants in runoff, spills, or inappropriate disposal). Small mammal control, which is often associated with development, may reduce the number of available upland refugia, particularly for California tiger salamanders and potentially for California red-legged frogs.

Populations and available habitats for California red-legged frogs, California tiger salamanders, and foothill yellow-legged frogs are limited locally and regionally, and loss of habitat or individuals may have a substantial effect on local and regional populations of these species (see Appendix E, pages 178-184).

**Western Pond Turtle:** Western pond turtles are associated with low-gradient streams and ponds within the city limits. Due to past development and other impacts, numbers of western pond turtles are limited within the UGB. Small numbers of pond turtles occur in the Guadalupe River and Coyote Creek and may occur at scattered locations in city parks and golf courses within the UGB. These populations are small and declining, however, and in many areas may also no longer be breeding. The only known population of western pond turtles within the UGB where evidence of successful breeding (i.e., small turtles) is regularly observed is at Coyote Ranch within the Coyote Valley Urban Reserve. Development in planned growth areas, vacant lands, and entitled parcels within any Planning Area that occur along the Guadalupe River or its low-gradient tributaries, along Coyote Creek or its low-gradient tributaries, or adjacent to parks, and perhaps golf courses, that support aquatic or upland habitats for western pond turtles has the potential to impact this

species. This would include all Planning Areas with the potential exception of the San Felipe Planning Area.

Impacts to this species outside the UGB could occur as a result of increased rural residential development and increased recreational activities. Populations and high-quality habitats are limited locally and regionally, and loss of habitat or individuals may therefore have a substantial effect on local and regional populations of the species (see Appendix E, pages 181-184).

**California Horned Lizard:** The California horned lizard is associated with a variety of open habitats in the city limits including chaparral, coastal scrub, and annual grassland, as well as with clearings in riparian woodlands. These habitats are characterized by sandy, loosely textured soils that comprise its preferred habitat. Habitat for this species is located only in the portion of the city limits outside of the UGB, and the species is likely present in the city limits only in low numbers and limited locations.

Populations and available habitats for California horned lizard are limited locally and regionally and loss of habitat or individuals may have a substantial effect on local and regional populations of the species (see Appendix E, pages 184-186).

**Northern Harrier, White-tailed Kite, and Loggerhead Shrike:** White-tailed kites and loggerhead shrikes nest in open grassland, ruderal, or agricultural habitats that contain suitable brush, shrubs, or trees for nesting. Northern harriers nest on the ground in marshes, grasslands, and some agricultural habitats. These species are assessed together because they breed and forage in similar habitats in the city limits and because potential impacts of the General Plan on these species will be similar.

Impacts from allowable development under the General Plan can affect northern harriers, white-tailed kite and loggerhead shrike habitat (breeding or foraging habitat) and/or individuals, most likely nestlings or fledglings. Individuals of these species (especially young in nests) can be killed or injured during construction activities as a result of crushing by construction equipment. Nesting of all three of these species can be disrupted to the extent that nests fail due to disturbance by people that is too frequent or too severe (e.g., by recreational uses). Small mammal control, which is often associated with development, may reduce the suitability of habitat by reducing available prey for these species. Pesticides and insecticides used in agricultural or landscaping areas can deplete prey, especially for loggerhead shrikes that regularly feed on large insects. Impacts to all three species are possible in the Alviso Specific Plan Area, in the North Coyote Valley Employment Land Area, in the New Edenvale Employment Land Area, in the Evergreen Campus Industrial Employment Land Area, in the North San José Employment Land Area, and in the Communications Hill Specific Plan Area.

Populations and available habitats for northern harriers, white-tailed kites, and loggerhead shrikes are limited locally, and loss of substantial amounts of habitat or a substantial number of individuals may have a substantial effect on local populations of the species (see Appendix E, pages 187-189).

**Golden Eagle and Bald Eagle:** The golden eagle breeds in a range of open habitats in the city limits, including scrub, woodlands, and grasslands. Golden eagles are known to breed within the city limits on an electrical tower below Calero Reservoir. However, additional pairs likely nest in the vicinity of the city limits near the Santa Teresa Hills, around the north end of Anderson Reservoir, and possibly on Coyote Ridge. Habitat for golden eagles is limited to the large areas of open grassland or woodland habitats in the Berryessa (along the eastern perimeter), Evergreen (along the eastern perimeter), Coyote, and Alviso Planning Areas. The North Coyote Valley Employment Land Area is known to be used by foraging golden eagles.

Bald eagles are known to nest near Calaveras Reservoir, Coyote Reservoir, and Anderson Reservoir, not far from the city limits. Given the recent increases in this species' populations in California, the recent discovery (in April 2010) of nesting at Coyote Reservoir, and the species' presence in winter at Anderson and Calero Reservoirs within the city limits, there is a high probability that one or more pairs will nest in the city limits, likely near Calero or Anderson Reservoir, within the lifespan of the proposed General Plan update.

Impacts to bald and golden eagle habitat resulting from allowable development under the General Plan update would be less than significant, as development under the General Plan will only impact relatively small areas of foraging habitat for these species and is unlikely to affect regional populations. Increases in recreational land uses (public and private) and numbers of people recreating in areas outside the UGB, however, could result in the abandonment of breeding territories or active nests (see Appendix E, pages 189-191).

**American Peregrine Falcon:** In natural habitats, American peregrine falcons nest on ledges and in caves on steep cliffs, but there are many human-made structures such as buildings, bridges, and electrical transmission towers throughout the city limits that would provide potential nesting sites. American peregrine falcons are known to breed and forage in the city limits including on San José City Hall and on an electrical transmission tower in a saline managed pond near Alviso.

Some pairs of this species are highly adapted to the presence of human development, and as a result, this species may nest on and forage from buildings in urban areas and utilize urban pigeon populations for prey. Urban activities in such areas are unlikely to affect peregrine falcons. No changes in habitat or the degree of human presence are proposed by the General Plan update in the two locations where peregrine falcons are known to be nesting in the city limits. Although no suitable cliff habitats are present within the city limits, other buildings and transmission towers in San José provide potentially suitable nest sites. General Plan update-related activities are not expected to have a substantial effect on this species' prey availability. Although American peregrine falcon populations are limited locally and regionally, loss of habitat resulting from allowable development under the General Plan update is unlikely to have a substantial effect on local and regional populations of the species given the low number of breeding birds relative to the extent of suitable foraging habitat and abundance of prey. The abandonment of an active nest resulting from human disturbance would be a significant impact given the limited size of the local and regional breeding population of this species (see Appendix E, pages 191-192).

**California Clapper Rail, Alameda Song Sparrow, and Bryant’s Savannah**

**Sparrow:** The California clapper rail, Alameda song sparrow, and Bryant’s savannah sparrow within the city limits is similarly located within the Alviso Planning Area, primarily outside of the UGB. Bryant’s savannah sparrows also breed in grassy hills in the vicinity of the Santa Teresa Hills and the west side of Coyote Valley, though numbers in these areas are low and impacts to them are unlikely.

The California clapper rail and Alameda song sparrow are associated primarily with tidal salt marsh and brackish marsh habitats, while Bryant’s savannah sparrow occurs both there and in diked and muted tidal salt marsh habitats, and (in very limited numbers) in inland grasslands. Clearing and grading for development may result in the loss of habitats that serve as foraging habitat for Bryant’s savannah sparrows, as upland refugia for clapper rails and Alameda song sparrows, or as buffer areas between breeding or foraging habitat and human disturbance for all three species in transition habitats near salt marsh. Other impacts may result from an increase in native and non-native predators, predation by pets or feral animals, the incidental loss of habitat to recreational activities, and a reduction in the quality habitat from the introduction of non-native vegetation, and increased night lighting and noise.

Impacts to California clapper rails, Alameda song sparrows, and Bryant’s savannah sparrows from activities under the General Plan would not result in substantial reductions in regional populations. However, indirect impacts on these species resulting from allowable development under the General Plan, especially on California clapper rails, could be substantial because their populations and available habitats are limited locally and regionally. Habitat area for these three species is contained primarily within the Don Edwards National Wildlife Refuge and management of access and recreational use of these areas is within the jurisdiction of the USFWS (see Appendix E, pages 192-194).

**Western Snowy Plover and Black Skimmer:** Two special-status bird species that occur in the city limits, the western snowy plover and black skimmer, are assessed together because they are similarly associated with saline managed pond habitats, habitat for both species within the city limits is similarly located outside of the UGB and only in the Alviso Planning Area, and because potential impacts of allowable development under the General Plan update on these species will be similar and very limited.

Impacts from allowable development under the General Plan will not directly affect western snowy plover and black skimmer habitat, virtually all of which is located within the Don Edwards National Wildlife Refuge. However, development may result in the incidental loss (e.g., due to presence of human activity) of marsh or upland habitats surrounding suitable habitat areas that may serve as a buffer between roosting or foraging habitats and human disturbances. It is also possible that development under the General Plan in the vicinity of suitable habitat could result in a loss of individuals due to increased predation by urban adapted native and non-native predators, pets or feral animals and due to increases in human activity that may result in disturbance of foraging or nesting and the incidental loss of habitat to planned or ad hoc recreational activities. The western snowy plover and black skimmer are not currently known or expected to breed within the UGB (see Appendix E, pages 194-197).

**Burrowing Owl:** Burrowing owls occur in annual and perennial grassland habitats, typically with sparse or nonexistent tree or shrub canopies. Burrowing owls occur year-round in the Santa Clara Valley and are commonly present in open, agricultural, or grassland areas with active squirrel burrows. Burrowing owls exhibit strong site fidelity and may return to a nesting site and attempt to nest even after a former breeding site has been developed.

Based upon a 2008 comprehensive survey of burrowing owl occurrences in San José prepared for the draft HCP/NCCP (Albion Environmental 2008) and a review of more recent data by H.T. Harvey and Associates, approximately two-thirds (about 21 pairs) of the maximum number of nesting burrowing owl pairs (about 32 pairs) within San José between 2008 and 2010 occupied habitat that would not be substantially changed under the proposed General Plan. These sites include the San José International Airport, VTA Cerone bus yard, and uplands in New Chicago Marsh in the Don Edwards San Francisco Bay Wildlife Refuge. About 11 pairs of burrowing owls (maximum) occupied areas (between 2008 and 2010) that may be impacted by development allowed under the proposed General Plan. These include several sites in the Alviso and North San José areas and within one of the Village areas (VR22) off Capitol Expressway.

Impacts from allowable development under the General Plan can affect burrowing owl habitat (nesting, foraging, or wintering habitat) and/or individuals (e.g., during construction activities or from increased mortality after construction). Burrowing owls can adapt to the presence of humans and are known to nest and forage in open grassland areas adjacent to human developments. However, clearing and grading for development can result in the direct loss of habitat or individuals through the disturbance of grassland areas that support ground squirrel burrows and the conversion of these habitats to other uses; this is true even for grassy infill lots where the species can still occur after surrounded by development. Individual burrowing owls (especially young or adults in burrows) can be killed or injured during construction activities as a result of crushing by construction equipment because they nest underground. Development can also result in the loss of suitable upland foraging habitats adjacent to breeding habitat to the extent that the result is nest failure. The addition of new roads or developments through breeding, foraging, or wintering habitats may fragment remaining patches of habitat and reduce the capacity for individual patches of habitat to support burrowing owls to the extent that mortality of young in nests occurs. Increases in human concentration and activity in the vicinity of suitable habitat may result in an increase in native and non-native urban-associated predators, increased predation by pets or feral animals (especially cats), the incidental loss of habitat to planned or ad hoc recreational activities, repeated disturbance of nesting birds, mortality on new roads or higher mortality from increased traffic on existing roads, and a reduction in the quality of breeding, foraging, or wintering habitat from reduced grazing or mowing or the introduction of non-native vegetation. Increased night lighting associated with new development may affect the behavior of this species, possibly causing owls to avoid well-lighted areas, and could increase predation on burrowing owls. Conversion of grassland/ruderal or agricultural habitat to other land uses can also affect habitat suitability, even if changed to different agricultural uses. Small mammal control, which is often associated with development, may reduce the number of available burrows available to burrowing owls as well as numbers of available prey.

Due to past development and other impacts, populations of burrowing owls within the UGB are limited in number and extent. Particular concentrations of burrowing owls occur (or are known to have occurred in the relatively recent past) in grassland habitats of variable size in the Alviso Planning Area (especially at the WPCP and proximity), North San José Employment Land Area, San José International Airport, Alum Rock Planning Area, Reid-Hillview Airport and vicinity, and Coyote Planning Area.

Individual pairs of owls may nest or winter in other areas throughout San José in relatively small patches of open ruderal habitat and grassland with ground squirrel burrows. However, this species is increasingly disappearing from such “infill” locations within the UGB.

Outside the UGB, burrowing owls are still occasionally recorded in the grasslands surrounding the Coyote Valley and in grasslands at higher elevations, such as on Coyote Ridge, but they seem to occur in such areas primarily during the nonbreeding season. Impacts to these species could occur outside the UGB as a result of increased rural residential development and increased recreational activities. Development under allowable land use designations in these areas would potentially result in some or all of the potential impacts described above to nonbreeding owls, although, the extent of impacts would vary in severity depending on the land use. The conversion of upland foraging habitat to intensive uses such as roadways, RV parks, or equestrian centers would result in a complete loss of suitable habitat for this species; whereas, at the other extreme, appropriate levels of grazing of upland habitats could be beneficial to burrowing owls. Only limited numbers of burrowing owls would be affected in habitats outside the UGB, and effects on regional population from these impacts would be limited. As the remaining grassland habitat in San José is developed, populations of burrowing owls in San José face extirpation due to lack of sufficient suitable nesting and foraging habitat and isolation from other populations and habitat areas. Therefore, impacts from increased disturbance and development are likely to occur in these growth areas, and burrowing owl populations in these areas may be affected substantially. Impacts to individual burrowing owls and their habitats resulting from allowable development under the General Plan could result in impacts to regional burrowing owl populations in the South Bay because this species has experienced substantial regional losses in habitat and populations (see Appendix E, pages 195-197).

**Yellow Warbler and Yellow-breasted Chat:** The yellow warbler is an uncommon breeder, and the yellow-breasted chat is a very scarce breeder, in riparian habitats within San José. They both prefer riparian habitats with dense understory and an open tree canopy. Direct impacts to riparian habitat, especially in the upper reaches streams with cottonwood/willow dominated vegetation (such as along Coyote Creek near Hellyer Park and Coyote Valley and outside the UGB) could impact populations and habitat used by these bird species. Yellow warblers also breed in very low numbers along the lower reaches of streams in the South Bay. Indirect impacts, such as increased predation and disturbance of upland foraging habitat, could also affect yellow warbler and yellow-breasted chat where they occur (see Appendix E, pages 200-202).

**San Francisco Common Yellowthroat:** The San Francisco common yellowthroat occupies habitat with emergent vegetation, such as fresh and brackish marshes, and moist floodplain vegetation around San Francisco Bay (e.g., within the Alviso and North Planning Areas). Implementation of the proposed General Plan could affect breeding, foraging or wintering habitat and/or individuals of this species and could be substantial because their populations and available habitats are limited locally and regionally (refer to Appendix E, page 202-203).

**Impacts to the Tricolored Blackbird:** Tricolored blackbirds are found primarily in the Central Valley and in central and southern coastal area of California. They are found in San José primarily during the nonbreeding season and breeding records in recent decades in the city are very limited. Nesting habitat for this species (such as tall, dense, stands of cattails or tules, blackberry, or wild rose bushes) is short-lived and subject to disturbance from clearing activities. Impacts in areas such Alviso, North Coyote Valley, and outside the UGB would be limited primarily due to infrequency of breeding in the area. Populations and available habitat for tricolored blackbird are limited locally and regionally and impacts resulting from allowable development under the General Plan update could be substantial where they occur (refer to Appendix E, page 204-206).

**Salt Marsh Wandering Shrew and Salt Marsh Harvest Mouse:** The salt marsh harvest mouse and salt marsh wandering shrew are both found in tidal marsh habitat in the northern portion of the city in the Alviso Planning Area, primarily outside the UGB. Upland habitat surrounding marshes provides upland refugia for these species during high tides. Due to past development and other impacts, populations of salt marsh harvest mice and salt marsh wandering shrews within the UGB are very limited.

Development or conversion of marsh habitat or adjacent upland habitats to other uses could result in a loss of habitat for these species; however, such direct impacts are unlikely to occur under the proposed General Plan. Indirect impacts from increased recreational use of levees and disturbance, increased flows in creeks and sloughs that converts salt marsh to freshwater marsh, and increased predation by urban-associated predators are likely. Populations and available habitat for these species are limited locally and regionally and loss of habitat or individuals may have a substantial effect on these species (refer to Appendix E, pages 206-208).

**San Francisco Dusky-footed Woodrat:** The San Francisco dusky-footed woodrat is a special-status mammal that may occur in natural areas in remaining areas of woodland, scrub, or riparian habitats with dense understory or thick scrub cover. Within the city, these habitats are primarily found in the upper reaches of creek corridors, the Santa Teresa Hills, and higher elevations of the foothills around the Santa Clara Valley where forest edges and scrub habitats are dense. Riparian habitat available to woodrats generally would be protected by the City's existing Riparian Corridor Policy and state and federal regulations; however woodrats are particularly affected by predation by feral or pet cats associated with nearby development. Habitat for and populations of San Francisco dusky-footed woodrates occur in a number of areas outside the UGB, including the upper reaches of Fisher, Thompson, Coyote, Calero, Guadalupe, and perhaps Berryessa Creeks, on the ridges above Alum Rock Park and in natural areas near Anderson and Calero Reservoirs. Populations and

available habitat are limited locally and regionally and loss of habitat or individuals may have a substantial effect on local and regional populations (refer to Appendix E, pages 208-210).

**Pallid Bat, Townsend’s Big-eared Bat, and Western Red Bat:** Special-status bat species that occur in the city are the pallid bat, the Townsend’s big-eared bat and the western red bat. Pallid bats are most commonly found in oak savannah and in open dry habitats with rocky areas, trees, buildings, or bridge structures that are used for roosting. Colonies of Townsend’s big-eared bats also occur in structures or large tree cavities, but caves and old mine shafts may be the preferred roost sites. Western red bats do not breed in the city limits but roost in the foliage in trees during winter or migration. There roosts are strongly associated with intact cottonwood and sycamore valley riparian habitats in low elevations but may roost anywhere in the city. Impacts to trees or structures such as bridges, overpasses, building attics, abandoned buildings with large enclosed spaces, or abandoned mines resulting from implementation of the proposed General Plan could affect these special-status bats. Impacts on populations and available habitat for pallid bats and Townsend’s big-eared bats could have a substantial effect on local and regional populations of these species. Impacts to western red bats would be less than significant because they are present only as a nonbreeder and the regional proportion of habitat for this species that could be impacted within the city is very low (refer to Appendix E, pages 210-212).

**American Badger:** The American badger typically occurs in annual grasslands, oak woodland savannas, scrublands and most habitats with stable ground squirrel or gopher populations. Badgers also occur in agricultural areas, but to a lesser extent because intensive cultivation inhibits den establishment and reduces prey abundance. Within the city, badgers occur most commonly in Coyote Valley, around Calero Reservoir, on Coyote Ridge and Tulare Hill, and in grassy foothill areas elsewhere within the city limits. Implementation of the proposed General Plan could result in direct impacts to upland breeding, foraging and dispersal habitats. New or widened roads may isolate populations, increase mortality of dispersing individuals, and cut off access to suitable habitats. Night lighting and rodent control in developed areas also can result in a reduction or loss of suitable habitat for badgers. Populations and available habitat are limited locally and regionally and loss of habitat or individuals may have a substantial effect on local or regional populations of American badger (see Appendix E, pages 213-214).

**Harbor Seal:** Harbor seals occur in the city limits only in tidal waters of South San Francisco Bay. They occasionally wander up tidal sloughs, and thus may occur in (or immediately outside the UGB) on rare occasions in upper Alviso Slough or Coyote Slough. Otherwise, they occur in the city limits only in the reaches of these sloughs and Guadalupe Slough outside the UGB.

Sedimentation, contaminated runoff, or hazardous material spills from construction activities may result in the temporary or permanent degradation of water quality and habitat quality in aquatic habitats downstream from development areas, and an increase in the residential and working population of the City may result in an overall increase in contaminant inputs into streams that flow into the Bay. As a result, General Plan update-related activities may affect water quality, which could potentially result in direct impacts to the health of harbor seals and result in a

reduction in fish preyed upon by harbor seals. Harbor seals also may be impacted by recreational disturbance from increases in use of levee trails along tidal sloughs, and possibly increases in recreational boating, in areas used by harbor seals. Although the harbor seal is not on any special-status species list, this species is protected by the Marine Mammal Protection Act. Also, because the primary haul-out and pupping area in the South Bay is located near the mouth of Mowry Slough, not far to the north of the city limits, adverse effects on seals within the city limits could translate into population-level effects. As a result, impacts to the health or abundance of prey of harbor seals as a result of General Plan update-related activities could be substantial (see Appendix E, pages 215-216).

Page 482 *Section 3.5.3.7 Impacts to Special Status Animals; REVISE* the list of policies as follows:

- Policy ER-~~21~~.2
- Policy ER-~~21~~.4
- Policy ER-~~21~~.5
- Policy ER-~~2~~.~~7~~1.6
- Policy ER-~~2~~.~~8~~1.7
- Policy ER-~~4~~3.5
- Policy ER-~~5~~4.1
- Policy ER-~~5~~4.2
- Policy ER-~~5~~4.3
- Policy ER-~~5~~4.4

Page 483 *Section 3.5.3.7 Impacts to Special Status Animals; INSERT* the following policies and action above the subheading “Existing Regulations and Adopted Plans and Policies”.

<u>Action ER-4.5</u>	<u>Where implementation of the General Plan would result in impacts to burrowing owl habitat occupied by breeding owls in 2008 or later, providing mitigation of equivalent value shall consist of securing, protecting and managing nesting and foraging habitat in perpetuity for burrowing owls within the South Bay area such that there is no reduction in the local burrowing owl population. Mitigation shall be required for the largest number of breeding burrowing owls that have been identified nesting or foraging on a site in burrowing owl surveys since 2008. These measures are required to be implemented by individual projects unless the City develops an independent plan or participates in a regional conservation strategy (such as the Santa Clara Valley HCP) that would maintain or increase South Bay area burrowing owl populations.</u>
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**Migratory Birds**

<u>Policy ER-5.1</u>	<u>Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.</u>
<u>Policy ER-5.2</u>	<u>Require that development projects incorporate measures to avoid impacts to nesting migratory birds.</u>

Page 483 *Section 3.5.3.7 Impacts to Special Status Animals; INSERT* the following text after the last paragraph on the page.

The analysis in this PEIR assumes that future projects in the City of San José, both within and outside of the UGB, will avoid or reduce impacts to existing populations of special status species to a less than significant level through measures included in project design or as conditions of approval, consistent with the policies for protecting special status species and their habitats in the proposed General Plan. In the Alviso Planning Area, and elsewhere in the city where populations of burrowing owls occur, this could require setting aside habitat for foraging and nesting, actively managing preserves including vegetation and predator management, cessation of inappropriate rodent control for burrowing mammals, and/or expanding and managing habitat adjacent to other local or regional owl populations to allow those populations to increase and persist. In the event a future project proposes features that would result in substantial direct or indirect affects to special status species, additional environmental review and detailed evaluation of resources will be required prior to approval or implementation and mitigation of impacts would be necessary in order for the project to have General Plan consistency.

Pages 484 and 485 *Section 3.5.3.7 Impacts to Special Status Animals; INSERT* Table 3.5-4 to electronic versions of the Draft PEIR as shown on the following pages.

Page 486 *Section 3.5.3.7 Impacts to Special Status Animals; INSERT* the following text after the first paragraph on the page.

### **Draft Western Burrowing Owl Strategy**

A draft Western Burrowing Owl Strategy included in the December 2010 draft HCP/NCCP is designed to offset impacts to western burrowing owl and proposes to undertake an aggressive suite of measures aimed at reversing the declining trend of burrowing owl populations in the county. This draft strategy not only provides for mitigation for currently existing populations, but for future expansion of populations.<sup>8</sup>

Burrowing owl conservation regions in the draft strategy include two areas with lands within San José; North San José/Baylands and South San José. Nesting burrowing owl sites within the North San José/Baylands region within the city include San José International Airport, the WPCP, the Santa Clara Valley Transportation Authority (VTA) Cerone Busyard, and portions of the Don Edwards San Francisco Bay National Wildlife Refuge. Expected impacts to occupied burrowing owl habitat will be low or absent from the South San José Region because few nesting owls remain. Under the draft strategy, attempts to stabilize existing colonies of owls would be made and this could include long-term management agreements for nesting and foraging areas, such as at San José International Airport (Tier 1 Conservation Actions). The second component of the draft strategy (Tier 2 Conservation Actions) would be to attempt to increase the burrowing owl population and the number of

<sup>8</sup> Appendix M (Western Burrowing Owl Conservation Strategy) in *Draft Santa Clara Valley Habitat Plan*. December 2010. Available at: <[http://scv-habitatplan.org/www/Portals/\\_default/images/default/Public%20Draft/Appendices/App\\_M\\_BUOW-ConsStrategy.pdf](http://scv-habitatplan.org/www/Portals/_default/images/default/Public%20Draft/Appendices/App_M_BUOW-ConsStrategy.pdf)>

**Table 3.5-4  
Potential Impacts to Special Status Animals Within the City of San José**

Species	Habitat(s)	Outside UGB	Planning Area												
			Almaden	Alum Rock	Alviso	Berryessa	Cambrian	Central	Coyote	Edenvale	Evergreen	North	South	West Valley	Willow Glen
Bay Checkerspot Butterfly	Serpentine grassland	X								X					
Pacific Lamprey, Green Sturgeon, Chinook Salmon, Steelhead and Longfin Smelt	Aquatic	X	X	X	X	X	X	X		X	X	X	X		X
California Tiger Salamander, California Red-Legged Frog, Foothill Yellow-Legged Frog	Aquatic, riparian, and surrounding grasslands.	X	X							X		X		X	
Western Pond Turtle	Aquatic and adjacent uplands (Guadalupe River and tributaries)	X	X	X		X	X	X	X	X		X	X		X
California Horned Lizard	Open habitats in chaparral, scrub and woodlands with sandy, loose textured soils	X													
Northern Harriers, White-Tailed Kite, Loggerhead Shrike <sup>1</sup>	Open grassland, ruderal, or agricultural habitats with brush or trees for nesting	X	X			X				X		X		X	
Golden and Bald Eagles <sup>1</sup>	Open habitats	X				Adjacent				Adjacent		Adjacent			
American Peregrine Falcon <sup>1</sup>	Nests on steep cliffs, tall buildings and electrical transmission towers	X							X						
California Clapper Rail, Alameda Song Sparrow and Bryant's Savannah Sparrow <sup>1</sup>	Salt marsh	X				X (direct and indirect)									
Western Snowy Plover and Black Skimmer <sup>1</sup>	Saline managed ponds	X				X (indirect; loss of buffering habitat)									
Burrowing Owl <sup>1</sup>	Open grassland and agricultural areas	X (primarily non-breeding)		X	X					X			X		

**Table 3.5-4  
Potential Impacts to Special Status Animals Within the City of San José**

Species	Habitat(s)	Outside UGB	Planning Area													
			Almaden	Alum Rock	Alviso	Berryessa	Cambrian	Central	Coyote	Edenvale	Evergreen	North	South	West Valley	Willow Glen	
Yellow Warbler and Yellow-breasted Chat <sup>1</sup>	Riparian (dense understory with open canopy)	X	X (warbler)							X	X	X				
San Francisco Yellowthroat <sup>1</sup>	Emergent vegetation in fresh and brackish marshes and moist floodplains near edge of SF Bay	X (Alviso)			X											
Tricolored Blackbird <sup>1</sup>	Tall, dense vegetation such as cattails and tules	X	X		X					X						
Salt Marsh Wandering Shrew and Salt Marsh Harvest Mouse	Tidal salt marsh	X (Alviso)			X											
San Francisco Dusky-footed Woodrat	Woodland, scrub, and riparian habitats with dense understory	X (Fisher, Thompson, Coyote, Calero, Guadalupe, Berryessa, and other creeks)			X		X (V17)			X	X	X, (V54 and V55)				
Pallid Bat, Townsend's Big-eared Bat and Western Red Bat <sup>2</sup>	Various, including oak savannah, open habitats, buildings and bridges	X	X							X		X				
American Badger	Grasslands, oak woodland savannas, scrublands and agricultural habitats	X								X		X (Coyote Ridge, campus industrial)				
Harbor Seal	Tidal waters of SF Bay	X			X											

Notes: <sup>1</sup> = critical period is nesting and/or breeding<sup>2</sup> = roosting and maternal colonies**Bold** indicates federal or state listed Threatened or Endangered species.Source: H.T. Harvey & Associates. *Envision San José 2040 General Plan Update Biological Resources Report*. 18 August 2010. (refer to Appendix E)

colonies within the existing occupied area. The draft strategy identifies public lands where long-term enhanced management may be secured as including San José International Airport, the WPCP (including buffer lands), Alviso, SCVWD levees, the VTA Cerone Bus Yard in North San José, and closed landfills in San José and other cities. A final component of the draft strategy (Tier 3 Conservation Actions) would attempt to extend the burrowing owl range beyond the study area of the HCP/NCCP to areas primarily near San Francisco Bay and at golf courses from Milpitas and Fremont to Palo Alto. Other opportunities for expansion may be proposed in the Gilroy or Morgan Hill Regions identified in the draft strategy. Acquisition of habitat for burrowing owl conservation in the South San José Region would be to provide stepping stone-connectivity to possible conservation areas in Morgan Hill or Gilroy.

Current assumptions for calculating the amount of conservation area needed for nesting habitat includes a minimum 140 acres of foraging habitat surrounding a nest site. Additional areas would need to be managed each year to support increasing populations. The North San José/Baylands region (which extends from Fremont to San José and Palo Alto as shown on Figure 5-1 in the December 2010 Draft HCP/NCCP) is considered the most important for burrowing owl conservation and as having the most conservation opportunities.

Areas under the City’s jurisdiction, such as San José International Airport and portions of the WPCP lands, could provide burrowing owl conservation opportunities in the future, especially in regards to management of vegetation and predators. Future development in the Alviso and North San José areas, however, could reduce the total area available for expanding occupied burrowing owl nesting and foraging habitat. As identified in the draft Western Burrowing Owl Strategy, there also may be other opportunities in the greater South Bay Area outside the City of San José (especially near the Baylands) and ultimately in regions around Morgan Hill and Gilroy.

Action ER-1.8 in the proposed General Plan calls for the City to continue to work with Local Partners on completion of the Santa Clara Valley HCP/NCCP. If the HCP/NCCP is adopted, the City would work with the implementing entity for the HCP/NCCP on implementing conservation actions for burrowing owl over the life of the General Plan. This could include management and enhancement of lands at San José International Airport, the WPCP, and other lands in San José for burrowing owls. In the event future development in Alviso and North San José areas (or elsewhere in the city) is identified as possibly impacting occupied habitat, mitigation consistent with General Plan policies and actions will be required for a project to be consistent with the General Plan.

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*Section 3.5.3.9 Impacts to Trees in the Community Forest; REVISE Policies MS-21.4 and MS-21.8 as follows:*

Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to effectively preserve it.
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<p>Policy MS-21.8</p>	<p>For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the <u>selection and</u> planting of new trees to achieve the following goals:</p> <ol style="list-style-type: none"> <li>1. Avoid conflicts with nearby power lines.</li> <li>2. Avoid potential conflicts between tree roots and developed areas.</li> <li>3. Avoid use of invasive, non-native trees.</li> <li>4. Remove existing invasive, non-native trees.</li>   <li>5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.</li> <li>6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.</li> </ol>
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Page 492      *Section 3.5.3.9 Impacts to Trees in the Community Forest*; **REVISE** the list of policies as follows:

Policy CD-1.254

Page 512      *Section 3.6.3.1 Soil and Landslide Hazards*; **REVISE** the following policies as shown:

<p>Policy EC-4.1</p>	<p><del>All new or remodeled habitable structures shall be d</del>Designed and built <del>all new or remodeled habitable structures</del> in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.</p>
<p>Policy EC-4.2</p>	<p><del>Approve D</del>development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, <del>will be approved</del> only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.</p>
<p>Policy EC-4.4</p>	<p><del>Require A</del>all new development <del>shall</del> <u>to</u> conform to the City of San José’s Geologic Hazard Ordinance.</p>

Page 513      *Section 3.6.3.1 Soil and Landslide Hazards*; **REVISE** Policy LU-18.1 as follows:

<p>Policy LU-18.1</p>	<p>Allow development in hillside areas only if potential danger to the health, safety, and welfare of the residents, due to landslides, fire, or other environmental hazards, can be mitigated to an acceptable level as defined in State and City ordinances and policies. Demonstrate that all new development will not result in significantly increased risks <u>and public costs</u> associated with natural hazards.</p>
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Page 515 Section 3.6.3.3 Erosion Impacts; **REVISE** Policies EC-4.1 and EC-4.4 as follows:

Policy EC-4.1	<del>All new or remodeled habitable structures shall be d</del> Designed and buildt <u>all new or remodeled habitable structures</u> in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.4	<u>Require A</u> all new development <del>shall to</del> conform to the City of San José’s Geologic Hazard Ordinance.

Page 517 Section 3.6.3.4 Impacts to Mineral Resources (Communications Hill); **REVISE** the list of policies as follows:

- Policy ER-~~12~~1.1
- Policy ER-~~12~~1.2
- Policy ER-~~12~~1.3
- Policy ER-~~12~~1.4

Page 520 Section 3.6.3.5 Seismic Hazards; **REVISE** the following policies as shown:

Policy EC-3.1	<del>Design A</del> all new or remodeled habitable structures <del>shall be designed</del> in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-3.2	Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, <u>complete</u> geotechnical and geological investigations <del>will be completed</del> and <u>approve</u> development proposals <del>approved</del> only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
Policy EC-3.6	<u>Restrict D</u> development in close proximity to water retention levees or dams <del>will be restricted</del> unless it is demonstrated that such facilities will be stable and remain intact during and following an earthquake.

Page 525 Section 3.7.1.2 Surface Water Drainage; **REVISE** Table 3.7-1 as shown below.

Table 3.7-1 Reservoirs by Watershed				
Reservoir	Stream Location	Year Constructed	Drainage Area (square miles)	Storage Capacity (acre-feet)
<i>Guadalupe River Watershed</i>				
Almaden Reservoir	Alamitos Creek	1935	12.0	1,586
Calero Reservoir	Arroyo Calero Creek	1935	6.9	<u>9,934</u> 10,050

Guadalupe Reservoir	Guadalupe Creek	1935	5.9	3,415,723
Lexington Reservoir	Los Gatos Creek	1952	37.5	19,834
Vasona Lake/Reservoir	Los Gatos Creek	1935	43.9	495,400
Williams Reservoir	Los Gatos Creek	unknown	--	157
<i>Coyote Creek Watershed</i>				
Anderson Reservoir	Coyote Creek	1950	192.7	90,373,89,073
Coyote Reservoir	Coyote Creek	1936	121.0	23,244,22,925
Cherry Flat Reservoir	Upper Penitencia Creek	1932	--	100
Sources: Schaaf & Wheeler. <i>Hydrology and Water Quality Report for San José California Envision San José 2040</i> . December 6, 2010- (Appendix G) and SCVWD. <i>2010 Urban Water Management Plan</i> . Adopted May 24, 2011. Note: None of the reservoirs listed above are within the UGB. Calero Reservoir and part of Anderson Reservoir are within the City limits. The remaining reservoirs are located beyond the City's Sphere of Influence.				

Page 528      *Section 3.7.1.2 Surface Water Drainage*; **INSERT** the following text at the top of the page.

Operating restrictions have been placed on Anderson, Coyote, Almaden, Calero, and Guadalupe reservoirs to address dam seismic safety concerns. These operating restrictions have reduced the operating storage capacities by about one-third of the total storage capacity.<sup>9</sup>

Page 531      *Section 3.7.1.3 Groundwater Conditions*; **REVISE** the following text in the first paragraph under the subheading.

Groundwater is an important source of water. Two groundwater subbasins, the Santa Clara Subbasin and the Llagas Subbasin, are ~~The Santa Clara Valley Groundwater Basin~~ is the source for all groundwater in the County, and is divided into three subbasins: the Santa Clara Valley, Coyote Valley, and Llagas Sub-basins. The Santa Clara Subbasin is frequently split into two subareas for water supply planning, the Santa Clara Plain and Coyote Valley. These subareas both ~~and Coyote Valley Sub-basins~~ underlie San José.

Page 531      *Section 3.7.1.3 Groundwater Conditions*; **REVISE** the fourth paragraph on the page as shown:

As part of its comprehensive dam safety program, the SCVWD routinely monitors and studies the condition of each of its 10 dams. Currently, operating restrictions have been placed on Anderson, Coyote, Almaden, Calero, and Guadalupe reservoirs to address dam seismic safety concerns.

Page 533      *Section 3.7.1.3 Groundwater Conditions*; **REVISE** the second sentence in the first complete paragraph on the page as follows:

The Santa Clara Plain subarea ~~Sub-basin~~ is made up of two parts, a confined aquifer ~~sub-basin~~ and an unconfined aquifer ~~sub-basin~~.

<sup>9</sup> Source: Sue Tibbets, Engineering Manager, SCVWD, written communications, March 15, 2011 and SCVWD. *2010 Urban Water Management Plan*. Adopted May 24, 2010.

Page 533      *Section 3.7.1.3 Groundwater Conditions*; **REVISE** the fifth sentence in the first complete paragraph on the page as follows:

The northern, confined ~~aquifer sub-basin~~ is made up of an upper layer (Zone A) which is separated from the lower layer (Zone B) by a low permeability # impermeable-clay layer.

Page 533      *Section 3.7.1.4 Recycled Water*; **REVISE** the text under this subheading as follows.

Recycled water requires the treatment, management, and non-potable re-use of wastewater. Both the SCVWD and the San Francisco Public Utilities Commission have identified expanded use of recycled water as a water supply source to meet future demands. In the San José area, recycled water from the San José-Santa Clara Water Pollution Control Plant is managed by the South Bay Water Recycling (SBWR) program. SBWR partner agencies include the City of San José, City of Milpitas, City of Santa Clara, West Valley Sanitation District, Burbank Sanitary District, Cupertino Sanitary District, Sunol Sanitary District, County Sanitation District No. 2-3, San Jose Water Company, ~~Great Oaks Water Company~~, Santa Clara Valley Water District, Environmental Protection Agency, California Department of Water Resources, Department of Health Services, Regional Water Quality Control Board, Santa Clara County Health Department and United States Bureau of Reclamation.

The SBWR system includes over 100 miles of recycled water pipelines in San José, Santa Clara and Milpitas. In the fiscal year 2009-2010, the SBWR supplied 8,652 acre-feet of water to the cities of San José, Santa Clara, and Milpitas.<sup>10</sup> ~~During the summer months, an average of 15 million gallons (46 acre feet) of recycled water is produced and distributed to over 550 customers per day.~~ All recycled water in the SBWR is treated to a disinfected tertiary level before being delivered to customers. The San José/Santa Clara Water Pollution Control Plant (WPCP) is the primary provider of recycled water in the County, although three other wastewater treatment facilities outside the City of San José also produce recycled water.

One of the goals of the City of San José’s Green Vision is to recycle or beneficially reuse 100 percent of San José’s wastewater (100 million gallons per day). Expansions to the SBWR system are on-going and the SBWR program works with local water providers and industrial and recreational facilities to expand the use of recycled water in San José and adjacent communities. A new Advanced Water Treatment Facility is currently under construction on Zanker Road in the Alviso Planning Area. This facility will produce highly purified water that will be blended to provide recycled water with lower salinity to customers. The Advanced Water Treatment Facility is scheduled to be completed in 2012.

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<sup>10</sup> Santa Clara Valley Water District. 2010 Urban Water Management Plan. Adopted May 24, 2011. Table 7-1. Chapter 7, page 3.

Page 534 *Section 3.7.1.6 Groundwater Quality*; **REVISE** the last sentence in the paragraph under the subheading as shown:

Nitrate in the Coyote ~~Valley subarea~~Sub-basin and localized contamination from underground tank leaks are currently the primary groundwater contaminant concerns in the portion of the Santa Clara ~~Valley~~ groundwater subbasin below the City of San José.

Page 534 *Section 3.7.1.7 Climate Change and Water Resources*; **REVISE** the subheading as shown:

**3.7.1.7 Climate Change and Water Resources in San José**

Page 534 *Section 3.7.1.7 Climate Change and Water Resources*; **REVISE** the last sentence in the first paragraph on the page as shown:

Effects of sea level rise on water supplies, including the reliability and quality of imported water, are discussed in Section 3.10 Utilities and Service Systems.

Page 535 *Section 3.7.1.7 Climate Change and Water Resources*; **REVISE** the third sentence in the third complete paragraph on the page as follows:

Inundation of, or a changing salinity profile within, adjacent marshes and sloughs could have environmental impacts and expose the Alviso area (and infrastructure, including the San José/Santa Clara Water Pollution Control Plant) to additional flood risks from the Bay.

Page 540 *Section 3.7.1.8 Regulatory Framework*; **REVISE** the third paragraph on the page as follows:

The San Francisco Bay Conservation and Development ~~District~~ Commission (BCDC) is a state agency created in 1965 under the McAteer- Petris Act to regulate development in the Bay and along its shoreline for the purpose of limiting and controlling the amount of fill placed in the Bay. The BCDC is the federally-designated state coastal management agency for the San Francisco Bay segment of the California coastal zone. The BCDC has jurisdiction over all areas of the Bay subject to tidal action which is defined by the shoreline at the mean high tide line, except in marsh areas, where the shoreline is located at five feet above mean sea level. BCDC’s jurisdiction also extends to certain waterways subject to tidal action identified in the McAteer-Petris Act including submerged lands, tidelands, and marshlands up to five feet above mean sea level. In addition, the BCDC has jurisdiction over the “shoreline band” 100 feet wide inland and parallel to the shoreline. It is necessary to obtain a BCDC permit prior to undertaking most work in the Bay or within 100 feet of the shoreline, including filling, dredging, shoreline development and other work. There are several different types of permit applications, depending on the size location and impacts of a project.

Page 545 *Section 3.7.3.1 Flooding and Drainage Impacts; REVISION* the fourth complete paragraph on the page as shown:

The Santa Clara Valley Water District recently completed a seismic stability evaluation of Anderson Dam that found the dam would be subject to significant damage if a large earthquake were to occur close to the dam. A storage restriction of 25.5 feet below the spillway, approved by the dam’s two regulatory agencies (the California Division of Safety of Dams and the Federal Energy Regulatory Commission), has been put in place to protect public safety. The restriction will allow the dam to fill to 68 percent of its full storage capacity. The SCVWD is planning to complete design and construction of a seismic retrofit by the end of 2018. The operating restriction will remain in place until the project is completed.<sup>11</sup>

~~The Santa Clara Valley Water District has received preliminary findings of a seismic study of Anderson Dam that shows the material at the base of the dam would liquefy in a 7.25 magnitude earthquake on the nearby Calaveras Fault. The District is currently studying what corrective measures are needed to ensure public safety and has imposed operating restrictions at Anderson Dam. To prevent the uncontrolled release of water after a major earthquake, water at Anderson Reservoir is being kept at least 37 feet below the spillway and 57 feet below the crest of the dam.~~

Page 547 *Section 3.7.3.1 Flooding and Drainage Impacts; REVISION* Policies IN-1.1 and IN-1.2 as follows:

Policy IN-1.1	<del>Continue to p</del> Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.
Policy IN-1.2	<u>Consistent with fiscal sustainability goals,</u> <del>P</del> provide and maintain adequate water, wastewater, and stormwater services to areas in the city that do not currently receive these City services upon funding and construction of the infrastructure necessary to provide them.

Page 549 *Section 3.7.3.2 Impacts to Groundwater Recharge; REVISION* the first two sentences in the second paragraph under the subheading as follows.

As described in Section 3.7.1.3, the two groundwater subareas-~~basins~~ underlying San José are the Santa Clara Plain Valley Sub-~~basin~~ and the Coyote Valley Sub-~~basin~~. These groundwater subareas-~~basins~~ are important sources of water supplies.

Page 549 *Section 3.7.3.2 Impacts to Groundwater Recharge; REVISION* the list of policies as follows:

Policy ER-~~40~~9.5

Page 551 *Section 3.7.3.3 Impacts to Water Quality; REVISION* the list of policies as follows:

Policy ER-~~32~~3

<sup>11</sup> Santa Clara Valley Water District. “Anderson Dam and Reservoir”. Accessed July 21, 2011. <<http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx>>.

Policy ER-98.1  
 Policy ER-98.3  
 Policy ER-98.5

Page 551 Section 3.7.3.3 *Impacts to Water Quality*; **REVISE** the following policies as shown:

Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Action ER-98.10	<del>Continue to p</del> Participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and take other necessary actions to formulate and meet regional water quality standards which are implemented through the National Pollution Discharge Elimination System (NPDES) permits and other measures.
Policy EC-4.1	<del>All new or remodeled habitable structures shall be d</del> Designed and built <del>all new or remodeled habitable structures</del> in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Page 553 Section 3.7.3.3 *Impacts to Water Quality*; **REVISE** the second sentence of the first paragraph as follows.

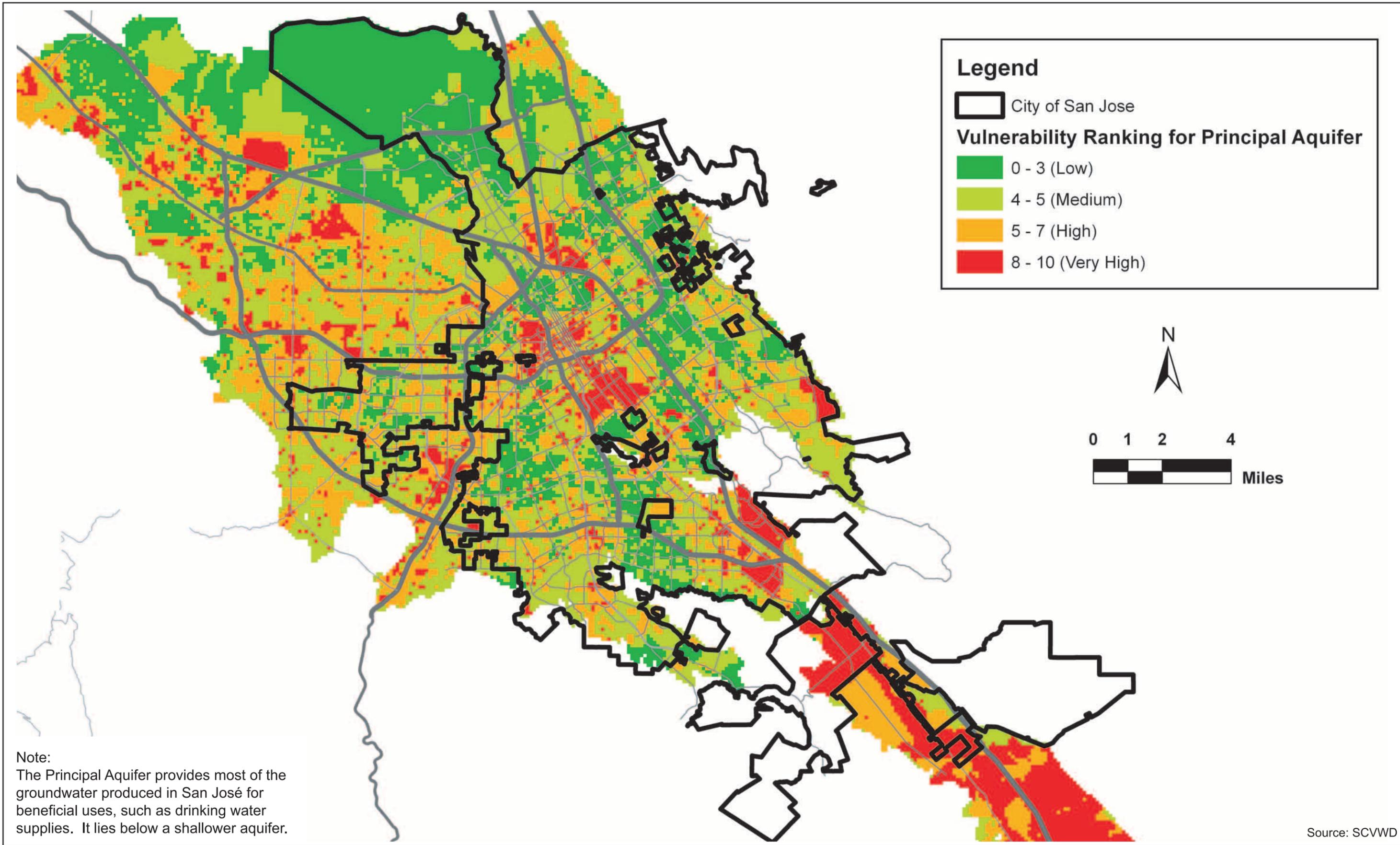
Locally, nitrate is a groundwater contaminant of concern (primarily in the Coyote Valley subarea ~~Sub-basin~~) along with volatile organic compounds (VOCs), fuel additives such as MTBE (which may leak into the groundwater from underground storage tanks), and organic compounds such as polychlorinated biphenyls (PCBs) associated with accidental releases from industrial and commercial uses.

Page 553 Section 3.7.3.3 *Impacts to Water Quality*; **REVISE** the first sentence of the second paragraph as follows.

In portions of the Berryessa, Cambrian/Pioneer, Coyote, and Willow Glen Planning Areas, water can percolate relatively easily into the unconfined Santa Clara Plain or Coyote Valley subareas ~~Sub-basins~~ due to the higher infiltration rates of underlying soil and rock materials (refer to Figure 3.7-7 and the SCVWD’s *Final Groundwater Vulnerability Study Santa Clara County, California* on the SCVWD’s website<sup>12</sup>).

Page 553 Section 3.7.3.3 *Impacts to Water Quality*; **INSERT** Figure 3.7-7 Groundwater Vulnerability for Santa Clara Valley (Principal Aquifer) as shown on the following page.

<sup>12</sup> Santa Clara Valley Water District. Santa Clara Valley Water District. *Revised Final Groundwater Vulnerability Study Santa Clara County, California*. October 2010. Accessed August 20, 2011. Available at: <http://www.valleywater.org/services/GroundwaterQuality.aspx>



GROUNDWATER VULNERABILITY FOR SANTA CLARA VALLEY (PRINCIPAL AQUIFER)

FIGURE 3.7-7

Page 554 *Section 3.7.3.3 Impacts to Water Quality*; **REVISE** the list of policies as follows:

- Policy ER-98.4
- Policy ER-109.6

Page 556 **REVISE** the heading for Section 3.7.5.1 to 3.7.5.2

Page 579 Section 3.8.3.1 Hazardous Materials Use and Potential for Accidental Releases; **REVISE** Policies EC-6.1 and EC-6.2 as follows:

Policy EC-6.1	<del>The City requires and shall continue to r</del> Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, state and federal laws, regulations and guidelines.
Policy EC-6.2	<del>The City r</del> Requires proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. <del>The City r</del> Requires proper disposal of hazardous materials and wastes at licensed facilities.

Page 580 *Section 3.8.3.1 Hazardous Materials Use and Potential for Accidental Releases*; **REVISE** Policies EC-6.4 through EC-6.6 as shown:

Policy EC-6.4	<del>Require A</del> ll proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site <del>will be required</del> to include adequate mitigation to reduce identified hazardous materials impacts to less than significant levels.
Policy EC-6.5	<del>The City shall designate T</del> ransportation routes to and from hazardous waste facilities <del>shall be designated by the City</del> as part of the permitting process in order to minimize adverse impacts on surrounding land uses and to minimize travel distances along residential and other non-industrial frontages.
Policy EC-6.6	<del>Address through E</del> nvironmental review <del>for</del> all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, <del>must address</del> the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.

Page 583 *Section 3.8.3.2 Reported Hazardous Materials Releases and Existing Contamination*; **REVISE** the text of the policies as follows:

Policy EC-7.2	<del>Identificati</del> on of existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users <del>shall be and provided</del> as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse
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	human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.3	Where a property is located <u>in near proximity</u> of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, <del>the potential for indoor air intrusion of hazardous compounds shall be evaluated and mitigated</del> <u>the potential for indoor air intrusion of hazardous compounds</u> to the satisfaction of the City’s Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.
Policy EC-7.4	On redevelopment sites, <u>determine</u> the presence of hazardous building materials <del>shall be determined</del> during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	On development and redevelopment sites, <u>require</u> all sources of imported fill <del>shall have to have</del> adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.
Policy EC-7.7	<u>Determine for A</u> ny development or redevelopment site that is within 1,000 feet of a known, suspected, or likely geographic ultramafic rock unit (as identified in maps developed by the Department of Conservation – Division of Mines and Geology) or any other known or suspected locations of serpentine or naturally occurring asbestos, <del>shall determine</del> if naturally occurring asbestos exists and, if so, comply with the Bay Area Air Quality Management District’s Asbestos Air Toxic Control Measure requirements.

Page 587      *Section 3.8.3.3 Airport Hazard Impacts*; **REVISE** Policy TR-14.4 as follows:

Policy TR-14.4	Require avigation and <u>“no build”</u> easement dedications, setting forth maximum elevation limits <u>as well as for acceptance of noise or other aircraft related effects</u> , as needed, as a condition of approval of development in the vicinity of airports.
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Page 588      *Section 3.8.3.4 Wildfire Hazards*; **REVISE** Policy EC-8.3 as follows:

Policy EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, <del>continue to</del> implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.
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Page 615      *Section 3.9.3.3 Schools*; **REVISE** Policy PR-8.7 as follows:

Policy PR-8.7	<del>Continue to a</del> Actively collaborate with school districts, utilities, and other public agencies to provide for appropriate recreation uses of their respective properties and rights-of-ways. Consideration should be given to cooperative efforts between
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	these entities and the City to develop parks, pedestrian and bicycle trails, sports fields and recreation facilities.
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Page 618      *Section 3.9.3.4 Parks;* **REVISE** the following policies and action as shown:

Policy PR-2.6	<del>Locate A</del> all new residential developments over 200 units in size <del>should be located</del> within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in <del>the</del> <u>its</u> project design.
Policy PR-6.2	<del>Continue to d</del> Develop trails, parks and recreation facilities in an environmentally sensitive and <u>fiscally</u> sustainable manner.
Action PR-6.9	Obtain applicable <u>Leadership in Energy and Environmental Design (LEED)</u> Certification (or its equivalent) for new and existing parks and recreation facilities, as dictated by applicable City policies.
Policy PR-7.2	Condition land development and/or purchase property along designated Trails and Pathways Corridors in order to provide sufficient trail right-of-way and to ensure that new development adjacent to the <u>trail and pathways</u> corridors does not compromise safe trail access nor detract from the scenic and aesthetic qualities of the corridor. <u>Locate trail right-of-ways consistent with the provisions of the City’s Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP).</u>
Policy PR-8.7	<del>Continue to a</del> Actively collaborate with school districts, utilities, and other public agencies to provide for appropriate recreation uses of their respective properties and rights-of-ways. Consideration should be given to cooperative efforts between these entities and the City to develop parks, pedestrian and bicycle trails, sports fields and recreation facilities.

Page 626      *Section 3.10.1.1 Water Service:* **ADD** the following after the second sentence of the paragraph under the Recycled Water subheading.

A new Advanced Water Treatment Facility is currently under construction on Zanker Road in the Alviso Planning Area. This facility will produce highly purified water that will be blended to provide recycled water with lower salinity to customers. The Advanced Water Treatment Facility is scheduled to be completed in 2012.

Page 627      *Section 3.10.1.1 Water Service:* **REVISE** the first two paragraphs under the Groundwater subheading as follows.

Santa Clara Plain Valley Sub-basin

SJWC, SJMWS and Great Oaks draw water from the Santa Clara Plain Valley sub-basin in the northern part of Santa Clara County (refer to Figure 3.10-2 Revised). The basin extends from near Coyote Narrows at Metcalf Road to the County’s northern boundary. The basin is 22 miles long and 15 miles wide, with a surface area of 225 square miles. SCVWD estimates that in 2002, 28,800 acre-feet were naturally recharged to the basin and 72,000 acre-feet were artificially recharged to the basin

and in 2003, 29,400 acre-feet were naturally recharged and 74,800 acre-feet were artificially recharged. ~~From 2000 to 2009 an average of 102,040 In 2002 and 2003, 104,800 and 96,600 acre-feet of groundwater, respectively, was extracted from the Santa Clara Plain Valley sub-basin annually.~~<sup>13</sup> The SCVWD estimates the long-term operational storage capacity of the Santa Clara ~~Plain Valley Sub-basin~~ to be 350,000 acre-feet. The SCVWD has determined that in order to avoid land subsidence groundwater withdrawals in the Santa Clara ~~Plain Valley Sub-basin~~ should not exceed 200,000 acre feet in any one year. As part of the 2010 UWMP process, SCVWD ~~analyzed~~ ~~is analyzing~~ the sustainable level of groundwater extraction based on ABAG population projections for the County, water demands of retailers who use groundwater, hydrological conditions, groundwater levels, and the recharge needed to prevent subsidence and saltwater intrusion.

The groundwater elevation in the basin has been steadily rising for the past 40 years under the management of the SCVWD. As of 2000, the groundwater elevation in the Santa Clara ~~Plain sub-basin~~ is within approximately 15 feet of historic levels (1915) after decreasing substantially during the mid-20th century. SCVWD has set up a successful artificial recharge system employing local reservoirs, percolation ponds, and an injection well to supplement the natural recharge of the basin to prevent overdraft. The groundwater basin level is currently high at most SJWC well fields and historically better prepared for the effects of a multi-year drought. Over the past five years, SJWC has annually pumped an average of 55,115 AFY from the Santa Clara ~~Plain Valley sub-basin~~.

Page 628 *Section 3.10.1.1 Water Service; DELETE Figure 3.10-2 and REPLACE it with Figure 3.10-2 (REVISED) as shown on the following page.*

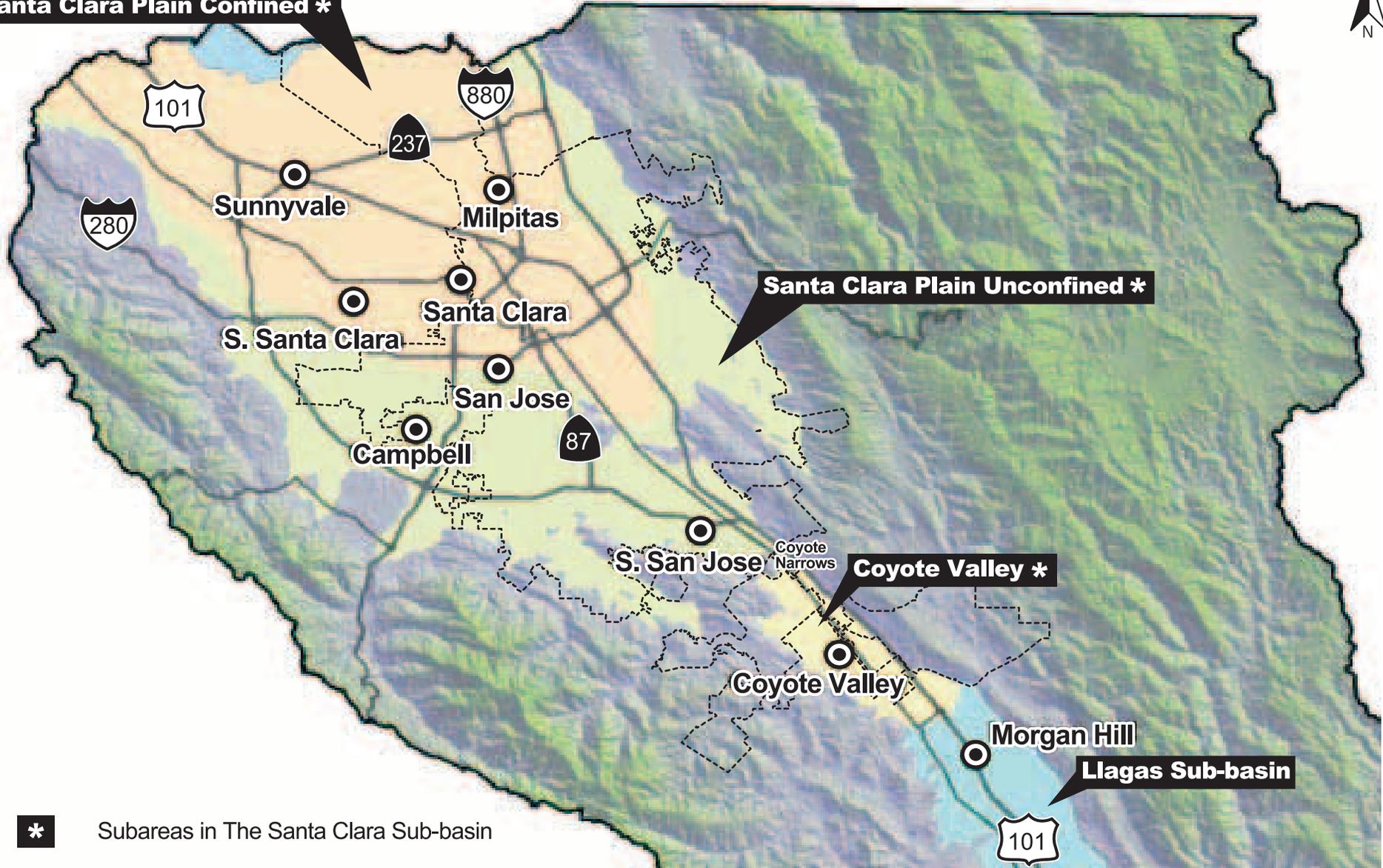
Page 629 *Section 3.10.1.1 Water Service; REVISE the first paragraph on the page as follows.*

The Coyote Valley ~~portion of the Santa Clara Sub-basin~~ is a narrow structural trough bounded by the Diablo Range to the east and the Santa Cruz Mountains to the West. The Coyote Valley ~~Sub-basin~~ is bordered by the Santa Clara ~~Plain Valley sub-basin~~ to the north and Llagas Sub-basin to the south. The surface area of Coyote Valley ~~Sub-basin~~ is approximately 15 square miles, or just less than 10,000 acres. The total available groundwater in ~~the Coyote Valley Sub-basin~~ was examined by SCVWD for the Coyote Valley Specific Plan. With appropriate management, sustainable yield was estimated at 13,000 AFY and the operational storage capacity is 23,000 to 33,000 acre-feet.

<sup>13</sup> Santa Clara Valley Water District. *2010 Urban Water Management Plan*. Adopted May 24, 2011. Table 3-5. Chapter 3, page 11.

~~Santa Clara Valley Water District. *Groundwater Conditions 2002/2003*. January 2005. Pages 15-17. Available at: <<http://www.valleywater.org/Services/GroundwaterMonitoring.aspx>>~~

**Santa Clara Plain Confined \***



**Santa Clara Plain Unconfined \***

**Coyote Valley \***

**Llagas Sub-basin**

\* Subareas in The Santa Clara Sub-basin

----- San Jose City Limits

⊙ Monitoring Wells

Source: Santa Clara Valley Water District

GROUNDWATER SUBBASINS AND SUBAREAS

FIGURE 3.10-2 (REVISED)

Page 629 *Section 3.10.1.1 Water Service*; **REVISE** the last sentence in paragraph on Land Subsidence and associated footnote as follows.

As a result, the rate of inelastic land subsidence was ~~has been~~ curtailed to less than 0.01 feet per year by the mid-1980s.<sup>134</sup>

<sup>134</sup> Santa Clara Valley Water District. 2010 Urban Water Management Plan 2005. Adopted May 24, 2011. ~~December 20, 2005~~.

Page 633 *Section 3.10.1.3 Storm Drainage*; **REVISE** the paragraph under the subheading Charcot Pump Station as follows.

One new pump station will be needed on the storm drainage system that drains the Charcot Avenue area of the North San Jose to handle the increased runoff from planned and approved new development as well as alleviate existing localized flooding. The new Charcot Pump Station would be located next to Coyote Creek in the vicinity of Charcot Avenue, with a 10-year storm design capacity of 300 cubic feet per second or a 100-year storm design capacity of 480 cubic feet per second within a catchment area of approximately 427 acres within North San José, bounded on the south by US 101, on the east by I-880, on the north by Charcot Avenue, and on the west by North First Street.

Page 635 *Section 3.10.1.5 Regulatory Framework*; **INSERT** the following discussion as the third paragraph under the State of California subheading:

California Public Utilities Commission

The California Public Utilities Commission (CPUC) regulates privately-owned water and sewer utilities, and promotes programs that help customers in need and encourages water conservation. In San José, the CPUC regulates the San José Water Company and Great Oaks Water Company. The CPUC investigates water and sewer system service quality issues and analyzes and processes utility rate change requests. The CPUC works directly with utility management to track and certify compliance with CPUC requirements.

Page 645 *Section 3.10.3.1 Water Service*; **INSERT** the following text as the second paragraph in the Imported Water Delivery discussion.

The Delta has more than 1,000 miles of levees that are vital to flood protection and many of which also protect the quality of water conveyed through the SWP and CVP in the Delta. Many of these levees were constructed in the early 1900's and do not meet current engineering standards. The Public Policy Institute of California estimates there is a 2-in-3 chance of a massive levee collapse in the Delta in the next 50 years. An earthquake that causes flooding of one or more Delta islands could result in saltwater intrusion that would degrade water quality and reduce the SCVWD's ability to take its imported water supplies from the CVP and SWP. Water supply from the CVP and SWP may also be interrupted, due to an earthquake,

from failure of the SCVWD’s conveyance system, failure of the State or federal conveyance infrastructure, or saltwater intrusion due to levee failure.<sup>14</sup>

Page 646 *Section 3.10.3.1 Water Service*; **REVISE** the second sentence on the page as follows.

The SCVWD provides treated surface water directly to the SJWC and SJMWS and also indirectly supplies groundwater to all three water retailers by recharging the Santa Clara ~~Valley~~ sub-basin (of which San José is one of multiple users) with imported Delta water.

Page 647 *Section 3.10.3.1 Water Service*; **REVISE** the last sentence of the second paragraph as follows.

Future groundwater quantities in the Santa Clara ~~subarea~~ ~~Valley sub-basin~~ were assumed to follow SJWC’s five-year groundwater trend and comprise 37 percent of total system demand.

Page 647 *Section 3.10.3.1 Water Service*; **REVISE** the second sentence of the last partial paragraph as follows.

Increases in groundwater from the Santa Clara ~~subarea~~ ~~Sub-basin~~ and other supplies from the SCVWD will be necessary to meet future demand.

Page 650 *Section 3.10.3.1 Water Service*; **REVISE** the policy list subheading as follows:

**Responsible Management of Water Supply Policies and Actions**

Page 650 *Section 3.10.3.1 Water Service*; **REVISE** Policy MS-17.2 as follows:

<p>Policy MS-17.2</p>	<p>Ensure that development within San José is planned and built in a manner consistent with <u>fiscally and environmentally</u> sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the <u>South Bay Water Recycling (SBWR)</u> system to areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development <u>in areas planned for urban uses</u> within San José or other surrounding communities.</p>
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<sup>14</sup> Santa Clara Valley Water District. *2010 Urban Water Management Plan*. Adopted May 26, 2011.

Page 650      *Section 3.10.3.1 Water Service; INSERT* Actions MS-17.7 and MS-17.8 following Policy MS-17.2.

<u>Policy MS-17.7</u>	<u>Partner with other Bay Area cities to ensure that local, regional and statewide plans provide adequate water supplies to serve our community and protect the environment.</u>
<u>Policy MS-17.8</u>	<u>Review and provide input to Urban Water Management Plans prepared by water suppliers to ensure that they maximize water conservation and reuse in order to fulfill San José’s water supply needs. Consider projected water supplies in updated Urban Water Management Plans as a part of each Major Review of this General Plan.</u>

Page 651      *Section 3.10.3.1 Water Service; INSERT* Policies ER-9.3 and ER-9.5 at the top of the page.

<b>Water</b>	
Policy ER-9.3	Utilize water resources in a manner that does not deplete the supply of surface or groundwater or cause overdrafting of the underground water basin.
Policy ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.

Page 651      *Section 3.10.3.1 Water Service; REVISE* Policy MS-19.1 and Action 19.10 as follows:

Policy MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a <u>fiscally and environmentally</u> sustainable local water supply.
Action MS-19.10	Develop incentives to encourage the use of recycled water, <del>and</del> <del>enact</del> ordinances that ensure that new buildings in the vicinity of the SBWR pipeline are constructed in a manner suitable for connection to the recycled water system and that they use recycled water wherever appropriate.

Page 652      *Section 3.10.3.1 Water Service; REVISE* Policies IP-2.4 and IP-2.5 as follows:

Policy IP-2.4	Conduct a Major Review of this General Plan by the City Council every four years to evaluate the City’s achievement of key economic development, fiscal and infrastructure/service goals, greenhouse gas emission reduction goals and targets, <u>water conservation and recycling goals</u> , availability and affordability of housing supply, Healthful Community goals, and review changes and trends in land use and development. Based on this review, determine the City’s readiness to begin the next General Plan Horizon or to modify the number of “pool” residential units available for non-specific Urban Village areas within the current Plan Horizon. Amend the Land Use/Transportation Diagram and/or General Plan <u>goals</u> , policies, and actions <del>to achieve key General Plan goals accordingly.</del>
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<p>Policy IP-2.5</p>	<p>During each Major Review of the General Plan evaluate input provided by the reconvened Task Force and achievement of the following key General Plan goals to inform the City Council’s decision, <u>regarding needed changes</u>, to begin the next General Plan Horizon, or to increase the number of residential units available for non-specific Urban Village areas:</p> <ol style="list-style-type: none"> <li>1. Jobs/Housing Balance – Demonstrate improvement of the City’s jobs to employed resident ratio (J/ER) consistent with achievement of 1.3 jobs per employed resident by the year 2040.</li> <li>2. Fiscal <u>Sustainability</u> – Demonstrate sustainable improvement above 2010 levels in the level of service for City services provided to the San José community.</li> <li>3. Housing Supply – Verify that the current Planning Horizon contains adequate capacity to meet San José’s Regional Housing Needs Allocation for the upcoming 4-year term.</li> <li>4. Infrastructure – Confirm that adequate infrastructure and service facilities, especially transit, exist or that a secure plan for them is in place to support the planned jobs and housing capacity in the current and contemplated Horizon.</li> </ol>
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Page 655      *Section 3.10.3.2 Sanitary Sewer/Wastewater Treatment, Sanitary Sewer; **REVISE** Policy IP-15.1 as follows:*

<p>Policy IP-15.1</p>	<p><u>Require n</u><del>New development is required</del> to construct and dedicate to the City all public improvements directly attributable to the site. This includes neighborhood or community parks and recreation facilities, sewer extensions, sewer laterals, street improvements, sidewalks, street lighting, fire hydrants and the like. In the implementation of the level of service policies for transportation, sanitary sewers, and neighborhood and community parks, development is required to finance improvements to nearby intersections or downstream sewer mains in which capacity would be exceeded, and dedicate land, pay an in lieu fee or finance improvements for parks and recreation needs which would result from the development.</p>
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Page 657      *Section 3.10.3.2 Sanitary Sewer/Wastewater Treatment, Wastewater Treatment; **REVISE** the text of the policies as follows:*

<p>Policy IN-4.6</p>	<p><del>Continue to e</del>Encourage water conservation and other programs which result in reduced demand for wastewater treatment capacity.</p>
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<p>Policy IP-15.1</p>	<p><u>Require n</u><del>New development is required</del> to construct and dedicate to the City all public improvements directly attributable to the site. This includes neighborhood or community parks and recreation facilities, sewer extensions, sewer laterals, street improvements, sidewalks, street lighting, fire hydrants and the like. In the implementation of the level of service policies for transportation, sanitary sewers, and neighborhood and community parks, development is required to finance improvements to nearby intersections or downstream sewer mains in which capacity would be exceeded, and dedicate land, pay an in lieu fee or finance improvements for parks and recreation needs which would result from the development.</p>
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<p>Policy IP-15.2</p>	<p>To finance the construction and improvement of facilities and infrastructure systems for which the demand for capacity cannot be attributed to a particular development, <del>impose</del> <u>consider</u> a series of taxes <u>or fees</u> through which new growth collectively finances those facilities and systems, <del>as follows: These taxes are over and above cost recovery fees charged for processing and reviewing applications for development approvals and permits. Examples of development taxes include:</del></p> <ol style="list-style-type: none"> <li>1. Construction Tax and the Conveyance Tax (the latter paid in connection with any transfer of real property, not just new development) provide revenue for parks, libraries, library book stock, fire stations, maintenance yards and communications equipment.</li> <li>2. The Building and Structures Tax and Commercial/Residential/Mobilehome Park Tax provide revenue for the construction of San José’s major street network.</li> <li>3. Connection Fees provide revenue for the construction of storm sewers, sanitary sewers and expansions of sewage treatment capacity at the Water Pollution Control Plant.</li> <li>4. Fees and taxes may need to be adjusted from time to time to reflect changing costs and new requirements. Additionally, new fees or taxes may need to be imposed to finance other capital and facility needs generated by growth.</li> <li>5. Where possible, if a developer constructs facilities or infrastructure for which these taxes are imposed, the developer may be provided with corresponding credits against the applicable taxes or fees.</li> </ol>
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Page 660      *Section 3.10.3.3 Storm Drainage*; **REVISE** the text of the following policies:

<p>Policy EC-5.11</p>	<p><u>Where possible, R</u>educe the amount of impervious surfaces as a part of redevelopment and roadway improvements through the selection of materials, site planning, and street design <del>where possible</del>.</p>
<p>Policy IN-1.7</p>	<p>Implement financing strategies, including assessment of fees and establishment of financing mechanisms, to construct and maintain needed infrastructure that maintains established service levels and mitigates development impacts to these systems (e.g., pay capital costs associated with existing infrastructure that has inadequate capacity to serve new development and contribute toward operations and maintenance costs for upgraded infrastructure facilities).</p>
<p>Policy IN-3.9</p>	<p>Require developers to prepare drainage plans <del>for proposed developments</del> that define needed drainage improvements <u>for proposed developments</u> per City standards.</p>
<p>Policy IP-15.2</p>	<p>To finance the construction and improvement of facilities and infrastructure systems for which the demand for capacity cannot be attributed to a particular development, <del>impose</del> <u>consider</u> a series of taxes <u>or fees</u> through which new growth collectively finances those facilities and systems, <del>as follows: These taxes are over and above cost recovery fees charged for processing and reviewing applications for development approvals and permits. Examples of development</del></p>

	<p><del>taxes include:</del></p> <ol style="list-style-type: none"> <li>1. Construction Tax and the Conveyance Tax (the latter paid in connection with any transfer of real property, not just new development) provide revenue for parks, libraries, library book stock, fire stations, maintenance yards and communications equipment.</li> <li>2. The Building and Structures Tax and Commercial/Residential/Mobilehome Park Tax provide revenue for the construction of San José’s major street network.</li> <li>3. Connection Fees provide revenue for the construction of storm sewers, sanitary sewers and expansions of sewage treatment capacity at the Water Pollution Control Plant.</li> <li>4. Fees and taxes may need to be adjusted from time to time to reflect changing costs and new requirements. Additionally, new fees or taxes may need to be imposed to finance other capital and facility needs generated by growth.</li> <li>5. Where possible, if a developer constructs facilities or infrastructure for which these taxes are imposed, the developer may be provided with corresponding credits against the applicable taxes or fees.</li> </ol>
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Page 664      *Section 3.10.3.4 Solid Waste; REVISE* Policies IN-1.7 and IN-5.15 as follows:

Policy IN-1.7	Implement financing strategies, including assessment of fees and establishment of financing mechanisms, to construct and maintain needed infrastructure that maintains established service levels and mitigates development impacts to these systems (e.g., pay capital costs associated with existing infrastructure that has inadequate capacity to serve new development and contribute toward operations and maintenance costs for upgraded infrastructure facilities).
Policy IN-5.15	<del>The preferred method for increasing the City’s landfill capacity is to e</del> Expand the capacity of existing landfill sites <u>as the preferred method for increasing the City’s landfill capacity</u> and monitor the continued availability of recycling, resource recovery and composting capacity to ensure adequate long term capacity.

Page 666      *Section 3.10.3.4 Solid Waste; REVISE* text fourth and fifth bullets shown of Policy IP-3.8 as follows:

- Develop a schedule to discontinue the use of disposable, toxic or nonrenewable products as outlined in the United Nations Urban Environmental Accords. City use of at least one such item shall be discontinued each year throughout the planning period. In the near-term, staff will monitor the regulation of single-use carryout bags to ensure that their use in the City is reduced by at least 50%, or shall propose enhanced regulation or an alternate product. ~~In the mid-term,~~ Staff will evaluate all such products for regulation or for use in energy recovery processes and shall recommend such regulations as are necessary to eliminate landfilling such products in the long-term (2022-2040). (Environmental Leadership and Innovation Action MS-7.13)
- Prepare ~~an ordinance~~ for City Council consideration by 2012 an ordinance that would enact regional landfill bans during the near- and mid-terms for organic material such as food waste and yard trimmings that contribute to methane generation in landfills. (Environmental Stewardship Action MS-8.8).

Page 666 Section 3.10.3.4 Solid Waste; **REVISE** Policy IP-15.2 as follows:

<p>Policy IP-15.2</p>	<p>To finance the construction and improvement of facilities and infrastructure systems for which the demand for capacity cannot be attributed to a particular development, <del>impose</del> <u>consider a series of taxes or fees</u> through which new growth collectively finances those facilities and systems, <del>as follows:</del> <u>These taxes are over and above cost-recovery fees charged for processing and reviewing applications for development approvals and permits.</u> Examples of development taxes include:</p> <ol style="list-style-type: none"> <li>1. Construction Tax and the Conveyance Tax (the latter paid in connection with any transfer of real property, not just new development) provide revenue for parks, libraries, library book stock, fire stations, maintenance yards and communications equipment.</li> <li>2. The Building and Structures Tax and Commercial/Residential/Mobilehome Park Tax provide revenue for the construction of San José’s major street network.</li> <li>3. Connection Fees provide revenue for the construction of storm sewers, sanitary sewers and expansions of sewage treatment capacity at the Water Pollution Control Plant.</li> <li>4. Fees and taxes may need to be adjusted from time to time to reflect changing costs and new requirements. Additionally, new fees or taxes may need to be imposed to finance other capital and facility needs generated by growth.</li> <li>5. Where possible, if a developer constructs facilities or infrastructure for which these taxes are imposed, the developer may be provided with corresponding credits against the applicable taxes or fees.</li> </ol>
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Page 691 Section 3.11.1.5 Identified Cultural Resources; **REVISE** the text as follows:

Santa Clara County Historical Conservation Districts (within City of San José SOI)

Page 694 Section 3.11.1.5 Identified Cultural Resources; **INSERT** the following sentence at the end of the first complete paragraph on the page:

...It is probable that many potential resources including foundations, wells, privies, and trash deposits have been impacted and removed as a result of previous excavations for infrastructure improvements and other development activities over the past 100 years. Caltrans has stated that it is not known what resources remain in state rights-of-way, and that uncertainty is likely true of some other locations.

Page 699 Section 3.11.4.1 Historical Architectural Resources; **REVISE** the text of Policies LU-13.6 and LU-13.7 as follows:

<p>Policy LU-13.6</p>	<p><del>Ensure m</del> Modifications to candidate or designated landmark buildings or structures <del>shall</del> conform to the Secretary of the Interior’s Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.</p>
<p>Policy LU-13.7</p>	<p><del>Design n</del> New development, alterations, and rehabilitation/remodels within a designated or candidate Historic District <del>shall be designed</del> to be compatible with</p>

	the character of the Historic District and conform to the Secretary of the Interior’s Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.
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Page 700      *Section 3.11.4.1 Historical Architectural Resources*; **REVISE** the text of Policy IP-10.3 as follows:

Policy IP-10.3	In addition to <del>the a</del> Site Development permit, <u>require</u> an Historic Preservation permit <del>is required</del> for modifications to a designated Historic Landmark structure. This permit process fosters the implementation of the Historic Preservation goals and policies of <del>this</del> General Plan.
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Page 701      *Section 3.11.4.1 Historical Architectural Resources*; **REVISE** the text of Policies LU-14.3 and LU-15.4 as follows:

Policy LU-14.3	<u>Design n</u> New development, alterations, and rehabilitation/remodels in conservation areas <del>should be designed</del> to be compatible with the character of the Conservation Area. In particular, projects should respect character defining elements of the area that give the area its identity. These defining characteristics could vary from area to area and could include density, scale, architectural consistency, architectural variety, landscape, etc.
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Policy LU-15.4	Educate/inform the public of the importance of San José’s strong historic connections to past industry. <u>To serve as a link between San José’s present and past.</u> <del>P</del> preserve historical resources from agriculture to high-tech whenever possible, feasible, and appropriate <del>to serve as a link between San José’s present and past.</del>
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Page 705      *Section 3.11.4.3 Archaeological Resources*; **REVISE** the list of policies as follows:

- Policy ER-~~10.1~~
- Policy ER-~~10.2~~
- Policy ER-~~10.3~~

Page 707      *Section 3.11.4.4 Paleontological Resources*; **REVISE** the list of policies as follows:

- Policy ER-~~10.1~~
- Policy ER-~~10.3~~

Page 724      *Section 3.12.3.1 Impacts to Scenic Vistas*; **DELETE** Policy CD-1.28 and **REPLACE** with Policy CD-1.19:

<del>Policy CD-1.28</del>	<del>Locate utilities to be as visually unobtrusive as possible, by placing them underground or in buildings. When above ground or outside placement is necessary, screen utilities with art or landscaping.</del>
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Policy CD-1.19	<u>Encourage the location of new and relocation of existing utility structures into underground vaults or within structures to minimize their visibility and reduce their potential to detract from pedestrian activity. When above-ground or outside placement is necessary, screen utilities with art or landscaping.</u>
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Page 725 Section 3.12.3.1 Impacts to Scenic Vistas; **REVISE** Policy LU-17.2 as follows:

Policy LU-17.2	Apply strong architectural, site, and grading design controls through a discretionary development review process <del>of</del> <u>to</u> all types of hillside and rural residential development that require significant grading activities in order to protect the hillsides and to minimize potential adverse visual and environmental impacts.
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Page 725 Section 3.12.3.1 Impacts to Scenic Vistas; **REVISE** Policy LU-17.4 as follows:

- g. Design streets to provide access and connectivity for area residents, and consider potential viewshed opportunities in siting development. Provide adequate access to safely accommodate potential traffic without significantly impacting local transportation routes. Consistent with accessibility requirements for emergency vehicles, ~~Consider~~ and encourage reduced width and modified street sections to design streets for utility and to minimize grading.

Page 726 Section 3.12.3.1 Impacts to Scenic Vistas; **REVISE** Policy LU-19.6 as follows:

- c) Distinguish between urban and non-urban uses in terms of water usage by limiting water consumption for new development to use of non-urban sources, including on-site well water and rainfall catchment. Use of ~~one type of urban water source,~~ recycled water, may be allowed. Irrigation of Open Hillside Areas with these water sources may be allowed provided that ~~its~~ their use would not result in a substantial direct or indirect environmental impact upon sensitive habitat areas, special status species, geologic hazard avoidance or the visual environment.

Page 732 Section 3.12.3.2 Impacts from Changes to the Built Environment; **REVISE** the text of Action CD-10.7 as follows:

Action CD-10.7	Work with Caltrans and VTA to ensure that the freeways (including 101, 880, 680, 280, 17, 85, 237, and 87) and Grand Boulevards in San José are maintained and enhanced to include a high standard of design, <u>cleanliness,</u> and landscaping to create a consistent and attractive visual quality.
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Page 733 Section 3.12.3.2 Impacts from Changes to the Built Environment; **INSERT** Policy CD-1.19:

Policy CD-1.19	<u>Encourage the location of new and relocation of existing utility structures into underground vaults or within structures to minimize their visibility and reduce their potential to detract from pedestrian activity. When above-ground or outside placement is necessary, screen utilities with art or landscaping.</u>
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Page 733 *Section 3.12.3.2 Impacts from Changes to the Built Environment*; **DELETE** Policy CD-1.28.

Policy CD-1.28	<del>Locate utilities to be as visually unobtrusive as possible, by placing them underground or in buildings. When above ground or outside placement is necessary, screen utilities with art or landscaping.</del>
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Page 733 *Section 3.12.3.2 Impacts from Changes to the Built Environment*; **REVISE** the list of policies as follows:

- Policy CD-1.243
- Policy CD-1.254
- Policy CD-1.297
- Policy CD-1.3028
- Policy CD-1.3129

Page 735 *Section 3.12.3.2 Impacts from Changes to the Built Environment*; **REVISE** Policy LU-13.7 as follows:

Policy LU-13.7	<del>Design n</del> New development, alterations, and rehabilitation/remodels within a designated or candidate Historic District <del>shall be designed</del> to be compatible with the character of the Historic District and conform to the Secretary of the Interior’s Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.
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Page 742 **REVISE** the heading for Section 3.4.1.6 to 3.13.2.3

Page 747 *Section 3.13.4.1 Energy Use in the Built Environment*; **INSERT** the following text after the last sentence on the page.

Local renewable energy sources could include solar voltaics, solar hot water, wind, and biogas or biofuels. Cogeneration and recovery of waste heat also could provide for increased energy efficiency at some facilities.

Page 748 *Section 3.13.4.1 Energy Use in the Built Environment*; **REVISE** the list of policies and action as follows:

Policy MS-1.1	<del>Continue to d</del> Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City’s Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
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Policy MS-2.3	<del>Encourage consideration of</del> Utilize solar orientation, (e.g., building placement), landscaping, design, and construction techniques) for new construction to minimize energy consumption.
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Policy MS-17.2	Ensure that development within San José is planned and built in a manner consistent with <u>fiscally and environmentally</u> sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the <u>South Bay Water Recycling (SBWR)</u> system to areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development <u>in areas planned for urban uses</u> within San José or other surrounding communities.
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Policy MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a <u>fiscally and environmentally</u> sustainable local water supply.
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Action PR-6.9	Obtain applicable <u>Leadership in Energy and Environmental Design (LEED)</u> Certification (or its equivalent) for new and existing parks and recreation facilities, as dictated by applicable City policies.
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Page 754      *Section 3.13.4.2 Energy Use Associated with Transportation*; **REVISE** Policies MS-10.5 and PR-2.6 as follows:

Policy MS-10.5	In order to reduce vehicle miles traveled and traffic congestion, <u>require</u> new development within 2,000 feet of an existing or planned transit station <del>will be required</del> to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.
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Policy PR-2.6	<u>Locate</u> <del>All</del> new residential developments over 200 units in size <del>should be located</del> within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in <del>the</del> <u>its</u> project design.
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Page 755      *Section 3.13.4.2 Energy Use Associated with Transportation*; **REVISE** Policy TR-2.8 as follows:

Policy TR-2.8	Require new development <u>where feasible</u> to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
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Page 757 *Section 3.13.4.3 Energy Use Associated with Redevelopment and New Construction*; **REVISE** Action MS-19.10 and MS-1.1 as follows:

Action MS-19.10	Develop incentives to encourage the use of recycled water, <del>and</del> <del>enact</del> ordinances that ensure that new buildings in the vicinity of the SBWR pipeline are constructed in a manner suitable for connection to the recycled water system and that they use recycled water wherever appropriate.
Policy MS-1.1	<del>Continue to</del> <del>demonstrate</del> leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City’s Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

Page 760 **REVISE** the heading for Section 3.13.6.1 to 3.13.6.2

Page 773 *Section 3.14.4.2 Induce Substantial Population Growth*; **REVISE** the text of the policies as follows:

Policy IP-2.4	Conduct a Major Review of this General Plan by the City Council every four years to evaluate the City’s achievement of key economic development, fiscal and infrastructure/service goals, greenhouse gas emission reduction goals and targets, <u>water conservation and recycling goals</u> , availability and affordability of housing supply, Healthful Community goals, and review changes and trends in land use and development. Based on this review, determine the City’s readiness to begin the next General Plan Horizon or to modify the number of “pool” residential units available for non-specific Urban Village areas within the current Plan Horizon. Amend the Land Use/Transportation Diagram and/or General Plan <u>goals</u> , policies, and actions <del>to achieve key General Plan goals</del> <u>accordingly</u> .
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Policy IP-3.2	As part of the General Plan Annual Review, carefully monitor the jobs-to-employed resident ratio and, <u>as a minimum</u> , consider the following current development trends: <ul style="list-style-type: none"> <li>• Vacant land absorption;</li> <li>• Amount of residential and economic development;</li> <li>• Amount and value of non-residential construction;</li> <li>• Number and types of housing units authorized by building permit, <u>including number of affordable units</u>, and development activity level in zonings, development permits, annexations and building permits;</li> <li>• Status and current capacity of major infrastructure systems which are addressed in General Plan Level of Service policies (transportation, sanitary sewers and sewage treatment);</li> <li>• Transit-ridership statistics and other measures of peak-hour diversion from single occupant vehicles;</li> <li>• Status and implementation of Green Vision, General Plan policies, and other greenhouse gas reduction strategy measures, including greenhouse gas emission reductions compared to baseline and/or business-as-usual; and</li> </ul>
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	<ul style="list-style-type: none"> <li>Levels of police, fire, parks and library services being provided by the City.</li> </ul>
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Page 785 *Section 3.15.2.3 Regulatory Framework*; **INSERT** the following text below the last paragraph on the page.

Plan Bay Area is a joint effort led by ABAG and MTC in partnership with the Bay Area’s other two regional government agencies, the Bay Area Air Quality Management District (BAAQMD), and the Bay Conservation and Development Commission (BCDC). All four agencies are collaborating on preparation of an integrated land-use/transportation Plan that addresses the requirements of SB 375. Adoption of Plan Bay Area is anticipated in 2013.

Page 814 *Section 3.15.5.1 California Senate Bill 375 – Redesigning Communities to Reduce Greenhouse Gases*, Table 3.15-8; **REVISE** Policy CD-3.10 as follows:

**CD-3.10:** ~~New development should~~ increase neighborhood connectivity in new development by providing access across natural barriers (e.g., rivers) and man-made barriers (e.g., freeways).

Page 814 *Section 3.15.5.1 California Senate Bill 375 – Redesigning Communities to Reduce Greenhouse Gases*, Table 3.15-8; **REVISE** Policy LU-5.5 as follows:

**LU-5.5:** ~~Provide~~ Encourage pedestrian and vehicular connections between adjacent commercial properties with reciprocal-access easements to encourage safe, convenient, and direct pedestrian access and “one-stop” shopping. Encourage and facilitate shared parking arrangements through parking easements and cross-access between commercial properties to minimize parking areas and curb-cuts.

Page 815 *Section 3.15.5.1 California Senate Bill 375 – Redesigning Communities to Reduce Greenhouse Gases*, Table 3.15-8; **REVISE** Policy TR-2.11 as follows:

**TR-2.11:** Prohibit the development of new cul-de-sacs, unless it is the only feasible means of providing access, or gated communities, that do not provide through and publicly accessible bicycle and pedestrian connections. Pursue the development of new through bicycle and pedestrian connections. Pursue the development of new through bicycle and pedestrian connections in existing cul-de-sacs where feasible.

Page 818 *Section 3.15.5.1 California Senate Bill 375 – Redesigning Communities to Reduce Greenhouse Gases*, Table 3.15-8; **REVISE** Policy TR-2.8 as follows:

**TR-2.8:** Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Page 831 *Section 5.2 Commitment of Resources*; **REVISE** Policy MS-1.1 as follows:

Policy MS-1.1	<p><del>Continue to</del> demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City’s Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.</p>
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Page 839 *Section 6.2.1.7 City of Santa Clara General Plan Update*; **REVISE** the fourth line of the second paragraph as shown:

...Area is adjacent to the northwestern boundary of a proposed transportation Village (VT35) within San José....

Page 893 *Section 9.0 References* **INSERT** the following references under the subheading **Biological Resources**.

Albion Environmental. *Santa Clara County 2008 Nesting Burrowing Owl Survey for the Santa Clara Valley HCP/NCCP*. December 2008.

San Francisco Planning Department. *Standards for Bird-Safe Buildings*. Adopted July 14, 2011.

Page 900 *Section 9.0 References* **INSERT** the following reference under the subheading **Hydrology and Water Quality**.

Santa Clara Valley Water District. *2010 Urban Water Management Plan*. Adopted May 26, 2011.

Appendices *Appendix B: Transportation Impact Analysis; B-1: Transportation Impact Analysis Supplement (Scenarios 7 and 7A)*: **CORRECT** the two tables as shown below and on the following page.

Page 8/9 Table 5: Adjacent Jurisdiction Analysis – Existing & GP 2020

**Table 1 Revised: Adjacent Jurisdiction Analysis - Existing & GP 2020**

	Existing Conditions (Base)			General Plan 2020		
	Total Lane Miles with Deficient V/C	Impact Lane Miles Attributable to the City	Percent of Lane Miles Affected	Total Lane Miles with Deficient V/C	Impact Lane Miles Attributable to the City	Percent of Lane Miles Affected
City	0.13	0.13	100%	3.01	3.01	100%
Campbell	0.67	0.67	100%	10.57	8.21	78%
Cupertino	0.00	0.00	0%	2.85	2.34	82%
Los Altos	0.78	0.78	100%	2.95	2.54	86%
Los Altos Hills	0.17	0.02	14%	2.67	1.91	71%
Los Gatos	0.12	0.12	100%	2.97	2.97	100%
Milpitas	0.73	0.73	100%	17.63	17.63	100%
Monte Sereno	0.00	0.00	0%	0.00	0.00	0%
Morgan Hill	0.00	0.00	0%	0.68	0.68	100%
Mountain View	0.72	0.65	90%	7.58	7.13	94%
Palo Alto	0.48	0.16	33%	5.93	1.65	28%
Santa Clara	0.17	0.17	100%	9.98	9.98	100%

City	Existing Conditions (Base)			General Plan 2020		
	Total Lane Miles with Deficient V/C	Impact Lane Miles Attributable to the City	Percent of Lane Miles Affected	Total Lane Miles with Deficient V/C	Impact Lane Miles Attributable to the City	Percent of Lane Miles Affected
Saratoga	1.26	1.26	100%	6.37	6.37	<b>100%</b>
Sunnyvale	0.00	0.00	0%	2.86	2.86	<b>100%</b>
Caltrans	<i>5093.26</i>	<i>4391.71</i>	<i>86%</i>	<i>4,915.73</i>	<i>4,531.00</i>	<b>92%</b>
Facilities	<u>52.10</u>	<u>51.14</u>	<u>98%</u>	<u>310.85</u>	<u>305.66</u>	<b>98%</b>
Santa Clara County						
Facilities	3.01	3.01	100%	26.02	26.02	<b>100%</b>

**Bold Value** is considered significant transportation impact  
Italic value indicates revision from March 2011 report

Page 9/9 Table 6: Adjacent Jurisdiction Analysis – Scenarios 6, 7, &amp; 7A

**Table 2 Revised: Adjacent Jurisdiction Analysis - Scenarios 6, 7, & 7A**

City	Scenario 6			Scenario 7			Scenario 7A		
	Total Lane Miles with Deficient V/C	Impact Lane Miles Attributable to the City	Percent of Lane Miles Affected	Total Lane Miles with Deficient V/C	Impact Lane Miles Attributable to the City	Percent of Lane Miles Affected	Total Lane Miles with Deficient V/C	Impact Lane Miles Attributable to the City	Percent of Lane Miles Affected
Campbell	0.42	0.42	<b>100%</b>	0.83	0.83	<b>100%</b>	0.42	0.42	<b>100%</b>
Cupertino	7.52	5.45	<b>73%</b>	7.33	5.27	<b>72%</b>	7.42	5.36	<b>72%</b>
Gilroy	1.65	1.65	<b>100%</b>	1.54	1.54	<b>100%</b>	1.65	1.65	<b>100%</b>
Los Altos	2.52	2.52	<b>100%</b>	1.93	1.93	<b>100%</b>	1.65	1.65	<b>100%</b>
Los Altos Hills	3.61	3.00	<b>83%</b>	3.61	3.00	<b>83%</b>	3.61	3.00	<b>83%</b>
Los Gatos	0.90	0.90	<b>100%</b>	0.90	0.90	<b>100%</b>	0.90	0.90	<b>100%</b>
Milpitas	22.17	22.17	<b>100%</b>	23.15	23.15	<b>100%</b>	20.84	20.84	<b>100%</b>
Monte Sereno	0.00	0.00	0%	0.00	0.00	0%	0.00	0.00	0%
Morgan Hill	1.97	1.97	<b>100%</b>	1.69	1.69	<b>100%</b>	1.69	1.69	<b>100%</b>
Mountain View	11.76	10.83	<b>92%</b>	8.02	7.16	<b>89%</b>	8.16	7.23	<b>89%</b>
Palo Alto	7.58	4.76	<b>63%</b>	5.11	1.53	<b>30%</b>	5.77	2.26	<b>39%</b>
Santa Clara	1.95	1.95	<b>100%</b>	2.35	2.35	<b>100%</b>	3.76	3.76	<b>100%</b>
Saratoga	5.71	5.71	<b>100%</b>	4.03	4.03	<b>100%</b>	3.51	3.51	<b>100%</b>
Sunnyvale	1.45	1.42	<b>98%</b>	1.14	1.14	<b>100%</b>	1.56	1.53	<b>98%</b>
Caltrans	<i>4,951.58</i>	<i>4,584.04</i>	<i>93%</i>	<i>5,059.70</i>	<i>4,722.12</i>	<i>93%</i>	<i>5,065.01</i>	<i>4,732.85</i>	<i>93%</i>
Facilities	<u>305.48</u>	<u>303.95</u>	<u>99%</u>	<u>329.02</u>	<u>328.46</u>	<u>100%</u>	<u>328.80</u>	<u>327.27</u>	<u>100%</u>
Santa Clara County									
Facilities	21.33	21.33	<b>100%</b>	23.59	23.59	<b>100%</b>	21.78	21.78	<b>100%</b>

**Bold Value** is considered significant transportation impact  
Italic value indicates revision from March 2011 report

Appendices *Appendix G: Hydrology and Water Quality:* **ADD** the following note after the title page and before the December 2010 report.

**Preface with Updates to the December 2010 Report**

Subsequent to preparation of the following report, 2010 Urban Water Management Plans were adopted for the Santa Clara Valley Water District, San José Water Company, San José Municipal Water and Great Oaks Water Company. The text of the PEIR has been updated to reflect changes in reported reservoir capacities, water supply projects, groundwater quality and other information in these Urban Water Management Plans, as appropriate. Refer to Section 9.0 References revisions in this PEIR for references to the 2010 Urban Water Management Plans that cover the City of San José.

In addition, proposed policy language has changed for the San Francisco Bay Conservation and Development Commission's (BCDC's) amendments to its Bay Plan. Please refer to the BCDC's website ([www.bcdc.ca.gov](http://www.bcdc.ca.gov)) for current revisions.

The following corrections and clarifications have been noted by the Santa Clara Valley Water District:

- On page 17, the SCVWD does not review flood protection on all creeks in the County. The SCVWD provides comprehensive flood management for the County, and the capital improvement program seeks to identify, prioritize, and implement flood protection projects throughout the county.
- On page 22 the statement regarding salt water intrusion should read "The impact of salt water intrusion ~~to on water supplies~~ ~~groundwater wells~~ would be most pronounced for imported water sources *from the Delta used for groundwater recharge*. Salt water intrusion ~~but~~ may also impact local groundwater wells in northern San Jose".
- On page 34 and 35, the Guadalupe River begins at the confluence of Guadalupe Creek and Alamos Creek in south San Jose and is known as the Guadalupe River for all its length to Alviso Slough.
- On page 59 there is reference to two subbasins within the Santa Clara Valley Basin in Santa Clara County, the Santa Clara Subbasin and the Coyote Sub-basin. The SCVWD previously referred to these as separate sub-basins, but as defined by DWR Bulletin 118, the groundwater sub-basin that underlies San Jose is properly referred to as the Santa Clara Sub-basin, a part of the Santa Clara Valley Basin. The SCVWD has changed the nomenclature to conform to the DWR standard. The Coyote Valley area and the Santa Clara Plain area to the north are considered the two parts of the Santa Clara Sub-basin. The Llagas Subbasin is part of the Gilroy Hollister Valley Basin and is not part of the Santa Clara Valley Basin; in fact, it is in a separate hydrologic region.
- Page 61 of the Study states that "All three water retailers and SCVWD use groundwater from the SCVSB as a source of supply". The SCVWD manages the

groundwater sub-basin through direct and in-lieu recharge programs and groundwater protection programs. SCVWD does not currently extract groundwater as a source of public water supply.

- Corrections and updates of groundwater quality information on Pages 67-69.

The SCVWD no longer administers the Leaking Underground Storage Tank Oversight Program.

Updated information on perchlorate and nitrate in groundwater is available in the SCVWD’s 2010 Groundwater Quality Report and Final Groundwater Vulnerability Study Santa Clara County, California and on the SCVWD’s website.<sup>15</sup> Due to cleanup activities and groundwater recharge, perchlorate levels associated with a former highway safety flare manufacturing facility in Morgan Hill have decreased significantly and the plume is getting smaller. However, a few wells (none in the City of San José) still contain perchlorate above the drinking water standard and remediation by the responsible party is ongoing. Current SCVWD efforts regarding nitrate in groundwater focus on evaluating nitrate data to assess hot spots and trends, recharging groundwater to dilute nitrate, conducting public outreach, and collaborating with other agencies to increase water and nutrient use efficiency. Typical nitrate concentrations in the Shallow Aquifer in the Santa Clara Subbasin are between 2 and 12 mg/L. Nitrate concentrations in the Principal Aquifer in the subbasin are between 13 and 16 mg/L. The Principal Aquifer lies below the Shallow Aquifer and supplies most of the groundwater used for beneficial uses, such as water supply. Higher concentrations of nitrate in the Principal Aquifer are likely a result of historic nitrate sources (Final Groundwater Vulnerability Study Santa Clara County, California page B-35).

- Pages 69 and 101. MTBE is no longer in use in California as a fuel additive; although there remain existing leak sites, it is no longer leaking from underground gasoline storage tanks.

Appendices *Appendix K-3: Greenhouse Gas Emission Reduction Strategy:* **REVISE** text on pages 8 and 9 and Table 2 as follows.

The City of San José’s Greenhouse Gas Reduction Strategy uses 2008 as a baseline year for an estimate of community-wide GHG emissions. The estimated emissions are summarized in Table 2. (2008 was selected as an appropriate baseline year based upon data availability and economic conditions at that time.) The Greenhouse Gas emissions baseline for the year 2008 is 7.61 million metric tons of CO<sub>2</sub>e. Consistent with statewide and regional GHG emissions inventories, transportation activity within San José produces the highest proportion of GHG emissions, but account for a higher percentage of the total local emissions than they do for either Bay Area or statewide emissions (46 percent of the local component compared to about 37 percent

<sup>15</sup> Santa Clara Valley Water District. *2010 Groundwater Quality Report* and Santa Clara Valley Water District. *Revised Final Groundwater Vulnerability Study Santa Clara County, California*. October 2010. Accessed August 20, 2011. Available at: <<http://www.valleywater.org/services/GroundwaterQuality.aspx>>

for the region or state). Emissions from the transportation sector are further broken down in Table 3. Residential emissions for San José are estimated to be slightly higher than the level of commercial and industrial emissions. (Note that emissions for a local power plant, the Metcalf Energy Center, are not included in the industrial sector because emissions associated with the production of energy by the power plant are already accounted for in the calculation of emissions related to the various land uses that act as consumers of that power.<sup>16</sup>)

<b>Table 2</b>		
<b>2008 Baseline GHG Emission Inventory for San José</b>		
<b>Sector/Category</b>	<b>Annual Emissions MMT CO<sub>2</sub>e</b>	<b>Percent</b>
Transportation <sup>17</sup>	3.52	46.3
Residential	1.47	19.3
Commercial	1.33	17.5
Industrial	1.03	13.5
Waste	0.26	3.4
<b>Total Baseline GHG Emissions</b>	<b>7.61</b>	<b>100</b>

Source: City of San José.

Appendices *Appendix K-3: Greenhouse Gas Emission Reduction Strategy:* **REVISE** the last paragraph on page 27 as shown.

By 2020, the City will have undertaken two major reviews of the General Plan, which will include quantitatively analyzing the efficacy of the greenhouse gas reduction strategy. The City will add additional feasible mandatory and voluntary measures to the Strategy in order to meet the Strategy’s greenhouse gas reduction targets. Therefore, although the City finds that there will be a significant unavoidable impact from not being able to meet (or at least demonstrate the ability to meet) the 2035 Greenhouse Gas threshold, the City feels that the combination of a land use plan that maximizes compact development and minimizes driving, along with a program for monitoring and revising the Strategy and related policies and actions in the Envision 2040 General Plan are the two most important and effective mitigation measures available to the City.

Appendices *Appendix K-3: Greenhouse Gas Emission Reduction Strategy:* **ADD** the following text to the end of the third paragraph on page 28 as shown.

Additional feasible mandatory and voluntary measures will be added to the Strategy as a part of the major review process in order to meet the Strategy’s greenhouse gas reduction targets.

Appendices *Appendix K-3: Greenhouse Gas Emission Reduction Strategy:* **REPLACE** Attachment A with the table on the following page.

<sup>16</sup> Emissions from the Metcalf Energy Facility in 2008 and reported to the ARB totaled about 1.28 MMT of CO<sub>2</sub>e (California Air Resources Board. “Mandatory Greenhouse Gas Reporting, 2008 Reported Emissions”. Available at: <<http://www.arb.ca.gov/cc/reporting/ghg-rep/ghg-reports.htm>>.

<sup>17</sup> City-generated total of 2008 transportation emissions, as shown in Table 3.

<b>Attachment A</b>				
<b>Greenhouse Gas Reduction Strategy Measures</b>				
<b>with Estimated Reductions to Assist Meeting 2035 Emission Goal</b>				
<b>City of San José Strategy Number</b>	<b>Title</b>	<b>Description</b>	<b>Equivalent CAPCOA Strategy<sup>1</sup></b>	<b>MT CO<sub>2</sub> e Reduction<sup>2</sup></b>
<b>BUILT ENVIRONMENT AND ENERGY (BEE)</b>				
BEE-1	Install Energy Efficient Appliances	Over the 25 year life of the General Plan, nearly all refrigerators in the City of San José will be replaced ( average service life = 17 years). Assuming 50% of shoppers buy energy star refrigerators, Residential Energy usage could go down by 1%. (2% efficiency improvement over 50% of houses)	BE-4	8,000 MT
<b>Project by project reductions from Development Review</b>				
BEE-2	Green Building Ordinance	The City has adopted Green Building Ordinances for public and private development. Reductions over the next 25 years not quantified at this time.	EE-1.1	--
<b>Specific Actions undertaken by the City of San José to reduce Greenhouse Gases</b>				
BEE-3	Green Building Incentives	Over the 25 year life of the plan, the City will continue to develop new and expand existing programs to educate San José's business and residential communities on the economic and environmental benefits of green building practices and provide green building technical assistance and referral service for business and residential communities (Actions MS-1.9, MS-1.10). Under Action MS-1.8, green building new construction and retrofits per the Green Vision Goal of 50 million square feet of green buildings in San José by 2022 and 100 million square feet by 2040 will be tracked. Reductions over the next 25 years not quantified at this time.	EE-1.4	--

<b>Attachment A</b>				
<b>Greenhouse Gas Reduction Strategy Measures</b>				
<b>with Estimated Reductions to Assist Meeting 2035 Emission Goal</b>				
<b>City of San José Strategy Number</b>	<b>Title</b>	<b>Description</b>	<b>Equivalent CAPCOA Strategy<sup>1</sup></b>	<b>MT CO<sub>2</sub> e Reduction<sup>2</sup></b>
BEE-4	Community Energy Programs	Over the 25 year life of the plan, the City will provide green building technical assistance and referral service to available resources (Action MS-1.11) and promote participation in Green Business and other energy efficiency programs. Reductions over the next 25 years not quantified at this time.	EE-4.3	--
BEE-5	Establish on-site renewable energy systems—solar	Over the 25 year life of the plan, given current successes of Green Vision Strategy #3, City expects approx 100MW of citywide power to be generated by solar (100 MW of solar cells installed by 2035 – 10 MW installed in 2008) = 90 MW change between 2007 and 2035: 90 MW = 90,000 kW * 5 hr/day (estimate of daily sunlight from <a href="http://www.solar-estimate.org">www.solar-estimate.org</a> ) * 365 days/year = 173,375,000 kWh * 6.9 x 10 <sup>-4</sup> MT CO <sub>2</sub> e / kWh (from <a href="http://www.epa.gov/greenpower">www.epa.gov/greenpower</a> ) = 113,000 MT CO <sub>2</sub> e /year	AE-2	113,000 MT (energy savings =100 MW)
BEE-6	Install Higher Efficacy Public Street and Area Lighting	Green Vision Goal #9; Implementation: Streetlight Master Plan	LE-1	8,500 MT
BEE-7	Replace traffic lights with LED traffic lights	See above	LE-3	See above
<b>LAND USE AND TRANSPORTATION (LUT)</b>				
<b>Project by project reductions resulting from the General Plan Land Use Diagram</b>				
LUT-1	Increase Density of development	Implementation: Envision 2040 Existing 2008 development=310,000 DU 2040 scenario= 120,000 additional DU 38% increase in density * 0.07 (elasticity of VMT decrease) =	LUT-1	159,000 MT

<b>Attachment A Greenhouse Gas Reduction Strategy Measures with Estimated Reductions to Assist Meeting 2035 Emission Goal</b>				
<b>City of San José Strategy Number</b>	<b>Title</b>	<b>Description</b>	<b>Equivalent CAPCOA Strategy<sup>1</sup></b>	<b>MT CO<sub>2</sub> e Reduction<sup>2</sup></b>
		3% decrease in VMT		
LUT-2	Increase location efficiency	Compact infill = 10% reduction in VMT (CAPCOA guidance); Implementation: Envision 2040	LUT-2	530,000 MT
LUT-3	Mixed Use Developments	(associated w/ LUT-2)	LUT-3	
LUT-4	Provide Bike Parking in Non-Residential Projects	Reductions not quantified	SDT-6	--
LUT-5	Provide Bike Parking in Multi-Unit Residential Projects	Reductions not quantified	SDT-7	--
<b>Specific Actions undertaken by the City of San José to reduce Greenhouse Gases</b>				
LUT-6	Provide 100 miles of interconnected trails	Green Vision Goal #10; Implementation: Bicycle Master Plan	GV-10	140 MT
LUT-7	Ensure that 100% of fleet vehicles run on alternative fuels	Green Vision Goal #8 Data source: ESD	GV-8	5,000 MT
<b>RECYCLING AND WASTE REDUCTION(RWR)</b>				
<b>Project by project reductions and Specific Actions undertaken by the City of San José</b>				
RWR-1	Use reclaimed water	Green Vision Goal #6, Beneficially re-use 100% of our wastewater (100 MGD); Implementation: Plant Master Plan. Assuming 40 MGD of water gets re-used and a 2008 baseline of 11 MGD being conserved, and using SCVWD info on the amount of energy saved through conservation (1000 kWh / acre foot), then: (40 MGD water not imported / day -11 MGD not imported (2008 baseline))*1 acre-foot / 326,000 gallons = 89 acre-feet / day 89 acre-feet / day * 365 days / year = 32,500 acre-feet / year	WSW-1	22,000 MT

<b>Attachment A</b>				
<b>Greenhouse Gas Reduction Strategy Measures</b>				
<b>with Estimated Reductions to Assist Meeting 2035 Emission Goal</b>				
<b>City of San José Strategy Number</b>	<b>Title</b>	<b>Description</b>	<b>Equivalent CAPCOA Strategy<sup>1</sup></b>	<b>MT CO<sub>2</sub> e Reduction<sup>2</sup></b>
		32,500 acre-feet / year * 1,000 kWh / acre-foot = 32.5 million kWh / year 32.5 million kWh / year * 6.9 x10 <sup>-4</sup> MT CO <sub>2</sub> e / kWh (from <a href="http://www.epa.gov/greenpower">www.epa.gov/greenpower</a> ) = 22,000 MT CO <sub>2</sub> e /year		
<b>Specific Actions undertaken by the City of San José to reduce Greenhouse Gases</b>				
RWR-Q	Extend recycling services	Green Vision Goal #5; Implementation: Zero Waste Strategic Plan. As an estimate, divert an additional 75% of waste beyond the baseline year (2006) by 2035. CO <sub>2</sub> e from landfilled waste (2006) = 260,000 MT; 75% =200,000 MT	SW-1	200,000 MT
<b>OTHER GHG REDUCTION MEASURES (OM)</b>				
OM-1	Urban Tree Planting	Reductions not quantified	GP-2	--
OM-2	Establish a farmer's market	Reductions not quantified	GP-3	--
OM-3	Establish Community Gardens	Reductions not quantified	GP-5	--
<b>Total Potential Yearly Reductions through 2035</b>				<b>1.05 MMT CO<sub>2</sub>e</b>
<b>Summary</b>				
Total GHG emissions in 2035, business as usual = 14.5 MMT CO <sub>2</sub> e				
Total GHG emissions in 2035, with mitigation measures = 13.45 MMT CO <sub>2</sub> e				
GHG Emissions Efficiency, 2035, with mitigation = 13.45 MMT CO <sub>2</sub> e / yr ÷ 2.15 million Service Population (SP) = <b>6.3 MT CO<sub>2</sub>e / SP / year</b>				
<sup>1</sup> CAPCOA Strategies listed above are from the following reference: California Air Pollution Officers Association (CAPCOA). <i>Quantifying Greenhouse Gas Mitigation Measures A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures</i> . August 2010.				
<sup>2</sup> Estimates provided by the City of San José Department of Building, Planning, and Code Enforcement and the Environmental Services Department (ESD).				

**SECTION 6.0      COPIES OF COMMENTS RECEIVED ON THE DRAFT  
PEIR**

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*Making San Francisco Bay Better*

July 28, 2011

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Department of Planning, Building and Code Enforcement  
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SUBJECT: BCDC Inquiry File SC.SJ.7008.1; Draft Program Environmental Impact Report for the Envision San Jose 2040 General Plan; SCH# 2009072096

Dear Mr. Davidson:

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report (PEIR) for the Envision San Jose 2040 General Plan distributed in June 2011. The San Francisco Bay Conservation and Development Commission (BCDC or Commission) has not reviewed the PEIR, but the following staff comments are based on the San Francisco Bay Plan (Bay Plan) as amended through January 2008, the McAtter-Petris Act, and staff review of the PEIR.

**Jurisdiction.** Under the federal Coastal Zone Management Act of 1972, the Commission's coastal management program is the approved program for the San Francisco Bay segment of the California coastal zone. The Commission's coastal management program is based on the provisions and policies of the McAtter-Petris Act, the Suisun Marsh Preservation Act of 1977, the San Francisco Bay Plan, the Suisun Marsh Protection Plan, and the Commission's administrative regulations.

The Commission has "Bay" jurisdiction over all areas of the Bay subject to tidal action which is defined by the shoreline. The shoreline is located at the mean high tide line, except in marsh areas, where the shoreline is located at five feet above mean sea level. The Commission's "Bay" jurisdiction extends to certain waterways identified in the McAtter-Petris Act consisting of all areas of the waterways that are subject to tidal action including submerged lands, tidelands, and marshlands up to five feet above mean sea level. Additionally, the Commission has "shoreline band" jurisdiction over an area 100 feet wide inland and parallel to the shoreline. The Commission controls filling and dredging within its "Bay" jurisdiction through the permit system established by the McAtter-Petris Act. The Commission also administers permits for development within its 100-foot "shoreline band" jurisdiction. However, the Commission's authority along the shoreline is more limited; it may deny a permit application for a proposed project only if the project fails to provide maximum feasible public access to the Bay and shoreline consistent with the project, or is inconsistent with a priority use designation.

In accordance with provisions of the McAtter-Petris Act, the Commission has designated certain areas within the 100-foot "shoreline band" for specific priority uses for ports, water-related industry, water-oriented recreation, airports and wildlife refuges. The Commission is authorized to grant or deny permits for development within these priority use areas based on appropriate Bay Plan development policies pertaining to the priority use.

Staff comments in this letter address strategies and analysis in the General Plan update and PEIR that pertain to Alviso Planning Area to which BCDC's jurisdiction is potentially relevant.

Bay Plan Map 7 (South Bay) identifies a wildlife refuge priority use area in the Alviso area. Policies 7 and 8 for Bay Plan Map 7 apply to this area, as does the Commission Suggestion A for Alviso-San Jose which states "Provide continuous shoreline public access." The PEIR states that "Approximately 25,500 jobs are planned for Alviso to utilize the undeveloped land owned by the Water Pollution Control Plant" (Section 2.2.3.3, p. 47). On page 84 the PEIR references the development of a Water Pollution Control Plant (WPCP) Master Plan for reuse of these buffer lands for new uses including additional employment capacity. It is unclear if these General Plan strategies address areas within BCDC's jurisdiction as defined in the McAteer-Petris Act. If this is the case, the WPCP Master Plan should consider impacts to the wildlife refuge priority use area and/or other relevant Bay and shoreline areas based on provisions of the McAteer-Petris Act and the San Francisco Bay Plan policies.

Additionally, we recommend the following changes to the PEIR: identify the McAteer-Petris Act in the discussion of Existing Land Use in section 3.1.1.5, the Regulatory Framework; in sections 3.5.1.6 and 3.1.7.8, under the description of BCDC, correct the name of the agency in the first sentence to read San Francisco Bay Conservation and Development Commission, and replace the rest of this first paragraph with the description of BCDC's jurisdiction and permit system provided in this letter.

**Sea Level Rise.** We applaud your careful consideration of climate change impacts in sections 3.7.1.7 and 3.7.3.1 and in Appendix G, as well as proposed policies EC5.13 and EC5.20 which will help the City of San Jose adaptively address risks of flooding related to future sea level rise.

On page A-23 of the Climate Change Appendix (in Appendix G) there is a discussion of the proposed climate change policies for amending the Bay Plan that may be relevant to the City. The referenced proposed policies have changed significantly through the amendment process. We recommend updating this section with the current proposed policy language, available at BCDC's website (<http://www.bcdc.ca.gov/>) or, at a minimum, noting that the proposed policies have been significantly revised since the preparation of the Climate Change Appendix.

Thank you again for this opportunity to comment on the PEIR. If you have any questions regarding this letter, or any other matter, please contact me by phone at 415-352-3654 or email [sarap@bccdc.ca.gov](mailto:sarap@bccdc.ca.gov).

Sincerely,

SARA POLGAR  
Coastal Planner



OFFICE OF COMMUNITY DEVELOPMENT

CITY HALL

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July 29, 2011

Mr. John Davidson  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3rd Floor  
San Jose, CA 95113

Dear Mr. Davidson,

Thank you for providing the City of Cupertino with the opportunity to review and comment on the Draft Program Environmental Impact Report (EIR) for the Envision San Jose 2040 General Plan. The City has reviewed the Draft Program EIR and would like to bring to your attention the City's comments and concerns regarding areas within the City of Cupertino that are adjacent to the City of San Jose and will be impacted by the proposed General Plan update.

The City of Cupertino recognizes that there are three particular areas within the City of San Jose in the West Valley Planning Area that are adjacent to the City of Cupertino. These areas include:

1. Area along Stevens Creek Boulevard approximately east of Tantau Avenue to Lawrence Expressway, which includes Urban Village CR 32
2. Area along South De Anza Boulevard between Bollinger Road and Prospect Avenue which includes Urban Village C43
3. Area south of Bollinger Road from S. De Anza Boulevard to Lawrence Expressway which includes Urban Village V61.

It appears that these three areas are proposed for a land use designation of Neighborhood/Community Commercial with an Urban Village overlay that would allow for a density of at least 55 units per acre and up to 250 units per acre, and a Floor Area Ratio (FAR) of up to 10.0 (3 to 10 stories). Although the type of Urban Village overlay identified for each of these three areas is different, the proposed General Plan does not specify what will be the likely differences in density range, FAR and height allowances in each of these different urban villages in the areas adjacent to the City of Cupertino. The City of Cupertino would like further clarification on the density ranges, FARs and height allowances proposed for these areas adjacent to our jurisdiction.

The City of Cupertino would also like to provide the following comments and concerns regarding the proposed land use designation changes per Section 2.2.6 that focuses on these three particular areas:

- 1. Area adjacent to the City of Cupertino along Stevens Creek Boulevard approximately east of Tantau Avenue, including Urban Village CR32**
  - This area is adjacent to properties in the City of Cupertino within the Heart of the City Specific Plan Area and South Vallco Master Plan Area which allow for a significantly lower residential density of 25 units per acre maximum in the Heart of the City Specific Plan Area, and 35 units per acre maximum in the South Vallco Master Plan Area.
  - The maximum building height allowances of these properties in the City of Cupertino are significantly lower at 45 feet in the Heart of the City Specific Plan Area, and up to 60 feet in the South Vallco Master Plan area if there is a retail component to the building.
  - The City is concerned about the impacts and challenges that such significant density and building height variations could create with respect to the architectural, aesthetic/visual, and streetscape interfaces between properties within Cupertino and San Jose along Stevens Creek Boulevard.
  
- 2. Area adjacent to the City of Cupertino along South De Anza Boulevard between Bollinger Road and Prospect Avenue, including Urban Village C43**
  - This area is adjacent to properties within the City of Cupertino that are single-family and multi-family residential to the west with a maximum density of 1-5 units per acre for single-family residential, and a maximum density of 5-20 units per acre for multiple-family residential.
  - The maximum building heights for these residential units is 28 feet for single-family residential and 30 feet for multi-family residential.
  - This area is also adjacent to commercial properties within the City of Cupertino to the north along S. De Anza Boulevard which are primarily one-story commercial and office uses. The maximum allowable building height in this area in Cupertino is 30 feet.
  - The City believes that the significant disparity in existing and allowable density and building heights between properties in Cupertino and San Jose would create challenges with respect to the aesthetic/visual and streetscape interfaces between adjacent properties in both jurisdictions, and impacts of privacy, light, air, traffic and noise onto adjacent residential neighborhoods in the City of Cupertino.
  - The City also believes the proposed Neighborhood/Community Commercial uses in this area could allow for higher intensive uses such as general office uses, hospitals and private gathering places, than allowed in the adjacent commercial areas within the City of Cupertino to the north. The commercial properties in this area in the City of Cupertino are encouraged to include a neighborhood commercial presence with neighborhood commercial or residential uses, but not solely by office, commercial-office or general commercial uses.
  
- 3. Area adjacent to the City of Cupertino south of Bollinger Road from S. De Anza Boulevard to Lawrence Expressway, including Urban Village V61**
  - This area is south of properties within the City of Cupertino that are developed with duplex homes, a church, an elementary school and single-family residential which have low and medium-low densities between 1-10 units per acre, and are predominantly single-story in nature and allow for residential heights of up to a maximum of two stories and 30 feet.
  - There is concern that the significant disparity in density and building heights could create impacts of privacy, light, air, traffic and noise onto the adjacent residential neighborhood in Cupertino to

the north, and present challenges to the aesthetic/visual and streetscape interfaces between the two jurisdictions.

- The particular type of Urban Village which this area is designated, Neighborhood Villages, is described as a smaller neighborhood-oriented commercial site that is not anticipated for significant intensification. However, the description does not specify clearly enough what is not considered "significant intensification" with respect to the wide range of density, uses and height allowances for Urban Villages. Clarification is needed to further explain the intended allowable development and uses for this area.

#### Recommendations on the proposed land use designation changes

The City of Cupertino recommends that consideration and policies be incorporated to mitigate impacts that could occur on properties in the City of Cupertino resulting from these proposed land use changes, and to also provide compatible transitions and interface between these areas in the City of San Jose and the adjacent properties in Cupertino, particularly with respect to density, uses, building height, architectural design, and street frontages. Further, the City recommends that the City of San Jose include property owners and residents in the City of Cupertino within the surrounding neighborhood of these areas in any neighborhood meetings regarding development of Urban Village plans.

#### **Section 2.2.7 Proposed Planning Horizons**

Based on Figure 2.2-34, it appears that the three Urban Village areas adjacent to the City of Cupertino, CR 32, C43, V61, are with the Horizon 3 phasing time frame. Please clarify the following:

1. Is there an approximation of the period in which the City will enter the Horizon 3 phasing time line?
2. It appears that any commercial, office and non-residential development may occur in these areas at any time, regardless of the Horizon period. The City would like to further understand the concept of the Horizon phasing and would like to ask the following questions:
  - a. Does this mean residential or mixed-use residential development may not occur in these areas until the Horizon 3 phasing has been reached?
  - b. What if a developer were to propose residential or mixed use residential in this area prior to reaching the Horizon 3 phasing period?

#### **Transportation**

Upon reviewing Section 3.2, *Transportation*, of the Draft PEIR, the City has the following comments:

- The 2040 General Plan proposes reclassifying De Anza Blvd between Bollinger Road and Prospect Road as a "Main Street". According to the typical cross section, Figure 3.2-7, this would involve potentially reducing the number of travel lanes in each direction, and eliminating an existing bike lane in each direction. Any reduction in vehicle travel lanes would likely result in considerable congestion along southbound De Anza Blvd north of Bollinger Road through Cupertino, and elimination of bike lanes runs counter to policies providing for multi-modal accommodations on streets. We recommend that no vehicle lane reduction be considered, that bike lanes be retained, and that any re-classification of De Anza Blvd as a "Main Street" that results in either lane reductions or bike lane removal be considered only south of Highway 85, where volumes are lower.

Any improvements or changes to De Anza Blvd south of Highway 85 must be done with the consent and cooperation of the City of Cupertino, as Cupertino has jurisdiction over the western half of the roadway.

- The 2040 General Plan proposes reclassifying Bollinger Road as an "On-Street Primary Bicycle Facility". According to the typical cross section, Figure 3.2-7, this would involve potentially reducing the number of travel lanes in each direction from two to one. Reducing travel lanes on Bollinger Road could cause an increase in congestion along Bollinger Road, along neighboring streets, and intrusion into adjacent neighborhoods. Any such impacts would need to be studied and should be mitigated to the extent possible.

Any improvements or changes to Bollinger Road must be done with the consent and cooperation of the City of Cupertino, as Cupertino has jurisdiction over the northern half of the roadway.

The City of Cupertino appreciates the opportunity you have provided to review the Draft Program EIR for the Envision San Jose 2040 General Plan, and looks forward to receiving a response on the above-mentioned. Should you have any questions regarding the above-referenced comments or need additional information, please feel free to contact Aki Honda Snelling, Senior Planner, in the City of Cupertino Planning Department at (408) 777-3313. Please provide this department with any further notices with respect to the environmental review process and the City's decision-making process on this project to my attention at the above address so that the City may continue to work with you to address the concerns of the communities both our agencies serve.

Sincerely,



Aarti Shrivastava

Director of Community Development

CC: David W. Knapp, City Manager  
Timm Borden, Public Works Director  
David Stillman, Public Works Department



## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846

In Reply Refer To:  
81420-2011-TA-0713-1

AUG 01 2011

Mr. John Baty  
City of San Jose Planning Division  
200 E. Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, California 95113-1905

Subject: Comments on the Draft Program Environmental Impact Report for the Envision San Jose 2040 General Plan Update for the City of San Jose, Santa Clara County, California

Dear Mr. Baty:

This letter is in response to your June 23, 2011, request for comments from the U.S. Fish and Wildlife Service (Service) on the Draft Program Environmental Impact Report (PEIR) for the Envision San Jose 2040 General Plan Update (proposed Plan) for the City of San Jose (City) in Santa Clara County, California. Your request for comments was received by our office on June 23, 2011. At issue are the potential effects of the proposed Plan on the threatened California red-legged frog (*Rana draytonii*), threatened Central population of the California tiger salamander (*Ambystoma californiense*), endangered California clapper rail (*Rallus longirostris obsoletus*), endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), threatened Pacific coast population of the western snowy plover (*Charadrius alexandrinus nivosus*), endangered California least tern (*Sternula antillarum browni*), endangered California seablite (*Suaeda californica*), endangered Contra Costa goldfields (*Lasthenia conjugens*), and the endangered robust spineflower (*Chorizanthe robusta*). Additional federally listed species associated with serpentine habitats within Santa Clara County (e.g., the threatened Bay checkerspot butterfly (*Euphydryas editha bayensis*) and its designated critical habitat, and listed serpentine plants including the endangered Santa Clara Valley dudleya (*Dudleya setchellii*), endangered Tiburon Indian paintbrush (*Castilleja affinis* ssp. *neglecta*), endangered Coyote ceanothus (*Ceanothus ferrisiae*), and endangered Metcalf Canyon jewel-flower (*Streptanthus albidus* ssp. *albidus*)) may be indirectly affected by growth inducement and increased atmospheric nitrogen deposition related to the proposed Plan. This response is issued under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) (Act), the California Environmental Quality Act, and the Migratory Bird Treaty Act of 1917.

TAKE PRIDE  
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The Service has the following comments on the PEIR:

1. The City should analyze all of the potential direct and indirect effects of the proposed Plan on federally listed species, State-listed species, California Native Plant Society rare species, California Species of Special Concern, bald and golden eagles (*Haliaeetus leucocephalus* and *Aquila chrysaetos*), migratory bats, and other special-status species and include appropriate avoidance, minimization, and restoration/compensation measures. The City should determine the extent of the action area where federally listed species may be directly or indirectly affected by the proposed Plan.
2. The City should evaluate the environmental baseline conditions for all listed species within the action area directly or indirectly affected by the proposed Plan. The environmental baseline should evaluate the current acres of suitable habitats within the action area, the quality of those habitats, known occurrences of listed species within and near the action area, existing threats to listed species in those habitats, and the importance of the action area as a dispersal corridor or for the recovery of listed species. The establishment of a sufficient biological baseline will be critical to develop site design alternatives and associated adequate avoidance, minimization, and conservation strategies for the proposed Plan.
3. The Draft Santa Clara Valley Habitat Conservation Plan (SCVHCP) (County of Santa Clara *et al.* 2010) is currently being refined in response to public comment. The proposed Plan should be developed consistent with the conservation strategy described in the SCVHCP. We highlight a few of these measures below. A full description of the conservation strategy is discussed in Chapter 5 of the SCVHCP.
4. The proposed Plan has the potential to be growth-inducing and lead to significant cumulative and interrelated effects to serpentine habitat and associated listed species (e.g., Bay checkerspot butterfly and listed serpentine plants) from air quality effects (e.g., increased atmospheric deposition of nitrogen) related to growth. Atmospheric nitrogen pollution degrades serpentine habitat for the Bay checkerspot butterfly and listed serpentine plants by facilitating the invasion of non-native plant species. The City should consider reducing atmospheric nitrogen pollution in transportation planning. Cumulative effects should be addressed through the implementation of minimization and restoration/compensation measures consistent with the SCVHCP.
5. Rodenticide use should be prohibited in grassland habitats that support the California tiger salamander because the amphibian relies on small mammals' burrows for refugia.
6. The City should manage ponds in a manner that reduces the presence of non-native bullfrogs (*Rana catesbeiana*) and non-native eastern tiger salamanders (*Ambystoma tigrinum*) that threaten California tiger salamanders and California red-legged frogs.

7. The proposed Plan should align all trails away from tidal marsh habitat supporting the California clapper rail and salt marsh harvest mouse and away from nesting habitat for the western snowy plover.
8. The City should avoid planting trees and constructing buildings, towers, and transmission lines adjacent to tidal marsh areas and nesting habitat for the western snowy plover; trees, buildings, towers, and transmission lines provide hunting perches for raptors that prey on California clapper rails, salt marsh harvest mice, and western snowy plovers. The City should minimize all development near tidal marsh habitat supporting the California clapper rail and salt marsh harvest mouse and nesting habitat for the western snowy plover.
9. The City should locate landfills away from tidal marsh areas and western snowy plover nesting areas. Landfills attract California gulls (*Larus californicus*) that threaten, compete with, and prey on California clapper rails, salt marsh harvest mice, and western snowy plovers.
10. In planning for sea level rise, the City should include a sufficient coastal buffer that will allow for the landward transgression of the salt marsh.
11. The City should assist the Don Edwards San Francisco Bay National Wildlife Refuge in managing mammalian and avian predators and other non-native species that threaten the California clapper rail, salt marsh harvest mouse, and western snowy plover. The City should avoid placing rip-rap near tidal marsh areas; shoreline rip-rap supports non-native Norway rats (*Rattus norvegicus*) that prey on California clapper rail nests.
12. The City should plant *Grindelia* and other appropriate native vegetation adjacent to tidal marsh habitats to provide upland refugia for California clapper rails and salt marsh harvest mice.
13. The City should develop and implement a plan for managing highly invasive non-native plant species that threaten tidal marshes, riparian areas, serpentine grasslands, and other sensitive habitats.
14. An estimated 600 acres of former salt marsh along Coyote Creek, Alviso Slough, and Guadalupe Slough, have been converted to fresh- and brackish-water vegetation due to large-volume freshwater discharge from wastewater facilities in the South Bay degrading the quality of these habitats for California clapper rails and salt marsh harvest mice. The City should reduce freshwater discharges that have resulted in a significant loss of tidal marsh habitat for the California clapper rail and salt marsh harvest mouse.
15. The City should compare the proposed land uses in the Plan relative to the recovery goals identified for those lands in the 1999 *Baylands Ecosystem Habitat Goals Report* (Goals Project 1999) and the 2010 *Draft Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California* (Service 2010).

16. The City should also analyze all of the potential direct and indirect effects of the proposed Plan on the Service's Birds of Conservation Concern and include appropriate avoidance, minimization, and restoration/compensation measures. Some of the Birds of Conservation Concern that may occur within the proposed Plan area include the black-chinned sparrow (*Spizella atrogularis*), Bell's sage sparrow (*Amphispiza belli belli*), peregrine falcon (*Falco peregrinus*), Nuttall's woodpecker (*Picoides nuttallii*), yellow-billed magpie (*Pica nuttallii*), Lewis's woodpecker (*Melanerpes lewis*), oak titmouse (*Baeolophus inornatus*), burrowing owl (*Athene cunicularia*), Allen's hummingbird (*Selasphorus sasin*), Costa's hummingbird (*Calypte costae*), loggerhead shrike (*Lanius ludovicianus*), yellow warbler (*Dendroica petechial brewsteri*), Alameda song sparrow (*Melospiza melodia pusillula*), black rail (*Laterallus jamaicensis coturniculus*), tricolored blackbird (*Agelaius tricolor*), olive-sided flycatcher (*Contopus cooperi*), black skimmer (*Rynchops niger*), whimbrel (*Numenius phaeopus*), long-billed curlew (*Numenius americanus*), marbled godwit (*Limosa fedoa*), short-billed dowitcher (*Limnodromus griseus*), and salt marsh common yellowthroat (*Geothlypis trichas sinuosa*) (pages 48 and 65 in Service 2008).
17. The City should follow the guidelines in the bird conservation plans developed by California Partners in Flight, Riparian Habitat Joint Venture, PRBO Conservation Science, and River Partners for managing, restoring, and conserving habitats for the benefit of migratory birds (California Partners in Flight 2000, 2002, 2004; Riparian Habitat Joint Venture 2004; River Partners and Riparian Habitat Joint Venture 2009; Hickey *et al.* 2003).
18. The City should incorporate bird-friendly designs on skyscrapers that reduce the rate of collision of migratory birds with skyscraper windows.
19. The City should follow the recommendations and suggested practices in the power line guidelines published by the Avian Power Line Interaction Committee (APLIC) and the Service to minimize impacts from existing facilities and in the construction of new utility and energy systems and associated infrastructure (APLIC 1994, 1996, and 2006; APLIC and Service 2005).
20. Lights should be designed with wildlife species in mind using appropriate wavelength light sources that are shaded to direct lights away from sensitive habitats. The City should follow the recommendations in Fure (2006) for minimizing the impacts of light pollution on migratory birds, bats, and other special-status species.
  - a. Avoid illuminating bat roosting areas (*e.g.*, suitable crevices in overcrossings).
  - b. Use low-pressure sodium lamps instead of high-pressure sodium or mercury lamps; fit mercury lamps with ultraviolet filters.
  - c. Maintain the brightness as low as possible (less than 2,000 lumens (150 watts) are generally needed for security lights).
  - d. Limit the times during which the lighting can be used to provide some dark periods.

- e. Direct the lighting to where it is needed to avoid light spillage; minimize upward lighting to avoid light pollution; limit the height of lighting columns to 26 feet; use plantings to screen out light.
  - f. Enhance bat roosting habitat by installing bat boxes away from artificial light sources.
  - g. Restrict the use of insecticides in bat foraging habitat.
21. The City should maintain important wildlife corridors, remove barriers that significantly restrict their movements, and incorporate wildlife passage into the design of roadways.
22. The Service recommends working toward making the proposed Plan carbon neutral. Consistent with the Intergovernmental Panel on Climate Change (2007a,b) adaptation strategies/mitigation recommendations, the Service recommends compensating for the proposed Plan's carbon emissions by purchasing carbon offsets and/or restoring tidal marshes, reforestation, managing grasslands to increase carbon sequestration, and planting nest trees for raptors in areas away from transmission lines and sensitive prey species.

The Service appreciates the opportunity to comment on the Draft Program Environmental Impact Report for the Envision San Jose 2040 General Plan Update. We look forward to continued coordination with the City in the development of the proposed Plan. Please contact Joseph Terry, Senior Biologist, or Ryan Olah, Coast Bay/Forest Foothills Division Chief, at the letterhead address, electronic mail ([Joseph\\_Terry@fws.gov](mailto:Joseph_Terry@fws.gov); [Ryan\\_Olah@fws.gov](mailto:Ryan_Olah@fws.gov)), or at telephone (916) 414-6600 if you have any questions regarding this response.

Sincerely,



For Cay Goude  
Assistant Field Supervisor

cc:

Scott Wilson, California Department of Fish and Game, Napa, California  
David Johnston, California Department of Fish and Game, Napa, California  
Greg Martinelli, California Department of Fish and Game, Napa, California  
Ken Schreiber, County of Santa Clara, San Jose, California  
Eric Mruz, Don Edwards San Francisco Bay National Wildlife Refuge, Fremont, California  
Maureen Goff, National Oceanic and Atmospheric Administration National Marine Fisheries Service, Santa Rosa, California  
Cameron Johnson, U.S. Army Corps of Engineers, San Francisco District, San Francisco, California  
Sandia Potter, San Francisco Bay Regional Water Quality Control Board, Oakland, California

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\_\_\_\_\_. 2010. Draft Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California. Sacramento, California. xviii + 636 pp.



August 1, 2011

City of San Jose  
 Department of Planning, Building & Code Enforcement  
 Attn: John Davidson  
 200 East Santa Clara Street, 1<sup>st</sup> Floor  
 San Jose, CA 95113

Subject: Comments on the Draft Program EIR for the Envision San Jose 2040 General Plan

Dear Mr. Davidson:

The City of Santa Clara Planning Division has reviewed the Draft Program EIR for the Envision San Jose 2040 General Plan, and has no major comments or concerns with the analysis presented.

It is understood that the City of San Jose intends to use a phased approach to implement the Plan, referred to as Horizons or Plan Horizons. It is further understood that the Draft Plan intends to accommodate most new job and housing growth within new Urban Villages and Corridors designated along existing major city transit corridors. Figure 2.2-1 of the Plan indicates that three urban villages are planned along roadways adjacent to the City of Santa Clara's jurisdiction. These villages are referenced as:

- CR30 – The Alameda (West), which is shown to extend along both sides of The Alameda, from Hwy 880 to the city limit line of the City of Santa Clara.
- CR32 (A&B) – Stevens Creek Boulevard, which is shown to extend along the south side of Stevens Creek Boulevard, from Winchester Boulevard on the east, to Lawrence Expressway on the West.
- CR35 – Valley Fair / Santana Row – which adjoins the borders of the City of Santa Clara to the Southwest along Winchester Boulevard, on the north and south sides of Stevens Creek Boulevard.

It is further understood, that per Figure 2.2-34, the Plan designates future growth in the above-identified Urban Villages to occur in the Horizon 3 Phase, the proposed final phase of Plan implementation.

Clarification is requested for the following:

Figure 3.2-5 indicates that a segment of Coleman Avenue extending from Highway 880 northwest to the City of Santa Clara's City limit line would be increased by one or more lanes per direction. The number of proposed travel lanes do not appear to be detailed in Tables 3.2-7 through 3.2-10, where presented for other proposed roadway network changes. Please clarify.

Under Section 3.2.4.5 - Impacts to Adjacent Jurisdictions: Stevens Creek Boulevard and North Winchester Boulevard should be added to the list of City of Santa Clara roadways. Also, please note that the following roadways are mistakenly identified as City of Santa Clara Roadways: North Mathilda Avenue, Crossman Avenue, and East Arques Avenue.

Under Section 3.2.4.5 – Impacts to Adjacent Jurisdictions, and Section 6.3.2 – Cumulative Transportation Impacts: Please consider adding as possible mitigation that, in cooperation with other agencies through the CEQA process, individual projects may mitigate for the adverse impacts of congestion in adjoining agencies through a contribution to planned or programmed roadway improvements approved by the relevant jurisdiction, in order to serve existing, approved and planned-for growth.

Under Section 6.2.1.7 – City of Santa Clara General Plan Update: It is stated “The Santa Clara Station Focus Area is adjacent to the northwestern boundary of a proposed transportation Village (VT3) within San Jose.” Figures 2.2-1 and 2.2-13 identify this area as VT5. Please clarify.

Thank you for considering these comments. Please contact Jeff Schwilk, Associate Planner, at (408) 615-2450, if you have any questions.

Sincerely,



Jeff Schwilk, AICP  
Associate Planner

CC: Kevin L. Riley, AICP, Director of Planning and Inspection  
Gloria Sciara, Development Review Officer



# DEPARTMENT OF CONSERVATION

*Managing California's Working Lands*

## DIVISION OF LAND RESOURCE PROTECTION

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

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2655 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

August 1, 2011

**VIA FACSIMILE (408) 292-6055**

Mr. John Davidson  
City of San José Planning Department  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San José, CA 95113-1905

Subject: Draft Program EIR for the City of San José General Plan 2040 –  
SCH# 2009072096

Dear Mr. Davidson:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Program EIR for the City of San José General Plan 2040. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

**Project Description:**

The Envision San José 2040 General Plan is a comprehensive update of the Focus on the Future San José 2020 General Plan. Goals and policies are comprehensively revised throughout the General Plan and a series of action items added to implement new and existing policies.

Impacts to farmland from cumulative projects include approximately 300-400 acres within the 1,300 acre proposed Southeast Quadrant project. Build-out allowed under the Morgan Hill and Gilroy General Plans include approximately 120 acres of Prime Farmland in Morgan Hill, rural residential development allowed under the County of Santa Clara General Plan, over 50 acres for US 101 roadway improvements along a 7.6 mile alignment south of Gilroy, and 900- 1,000 acres of agricultural land in north Coyote Valley. Although the future loss of agricultural land in north Coyote Valley has been anticipated for many years in the City's General Plan, this impact combined with other planned or possible impacts to farmland would be substantial and implementation of the Envision San José 2040 General Plan would contribute to a significant cumulative loss of agricultural land in southern Santa Clara County.

Draft Program EIR for the City of San José General Plan 2040  
August 1, 2011  
Page 2 of 4

**Division Comments:**

The Draft Program EIR's comments on mitigation measures for cumulative impacts to agricultural land include the following:

"While conservation easements or strengthened zoning protections for agriculture could be used to limit future loss of Prime Farmland in other parts of the County, no feasible mitigation measures are available to offset the cumulative loss of agricultural land, especially prime agricultural land, within areas previously planned and designated for development within the City's Urban Growth Boundary or areas of the County already planned and approved for development. Conversion of developed rural or suburban areas (e.g., "ranchettes" or residences on lots of five to 20 acres) back to farmland may be possible in limited areas as housing stock ages; however opportunities to convert sizeable areas back to prime farmland are limited by the challenges of assembling a sizeable group of properties, removing physical improvements (such as buildings, pavement, and underground utility lines), and cost. Therefore, the cumulative loss of agricultural land would remain a significant" and unavoidable impact.

The Division does not agree with the statement, "no feasible mitigation measures are available to offset the cumulative loss of agricultural land, especially prime agricultural land, within areas previously planned and designated for development". Given that, the City of San José most likely receives many of its agricultural goods from surrounding farming communities within Santa Clara County and the rest of the State; it would be in the City's best interests to consider mitigation in outlying areas of the County or regionally to help preserve these resources. The City of San José has areas of prime farmland within its Urban Growth Boundary and any loss of this agricultural land should be mitigated whenever possible. In addition, reduction to a level below significance is not a criterion for mitigation.

The Department's data on land use conversion<sup>1</sup> shows that Santa Clara County lost a total of 22,805 acres of Important Farmland from 1984 to 2010, with an annual average loss of 877 acres per year. This cumulative loss represents a significant and permanent impact to the agricultural resources of the County and the State, and shows why the remaining agricultural resources in the County should be protected whenever feasible. In 2009, approximately \$260,139,000 in farm sales was generated in Santa Clara County<sup>2</sup>. That value demonstrates the significance of agriculture to the economy of Santa Clara County.

<sup>1</sup> Department of Conservation. "Important Farmland Data Availability. Land Use Conversion Table"  
[http://redirect.conservation.ca.gov/dlrp/fmimp/county\\_info\\_results.asp](http://redirect.conservation.ca.gov/dlrp/fmimp/county_info_results.asp)

<sup>2</sup> California Agricultural Resource Directory 2010-2011  
[http://www.cdfa.ca.gov/statistics/PDFs/ResourceDirectory\\_2010-2011.pdf](http://www.cdfa.ca.gov/statistics/PDFs/ResourceDirectory_2010-2011.pdf)

Draft Program EIR for the City of San José General Plan 2040  
August 1, 2011  
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### Mitigation Measures

Although direct conversion of agricultural land is often an unavoidable impact under California Environmental Quality Act (CEQA) analysis, mitigation measures must be considered. The adoption of a Statement of Overriding Consideration does not absolve an agency of the requirement to implement feasible mitigation that lessens a project's impacts.

In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and therefore, mitigation is not required or cannot be accomplished. However, reduction to a level below significance is not a criterion for mitigation. Rather, the criterion is feasible mitigation that lessens a project's impacts. Pursuant to CEQA Guideline §15370, mitigation includes measures that "avoid, minimize, rectify, reduce or eliminate, or compensate" for the impact.

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

One source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts, which can be found at:

<http://www.calandtrusts.org>

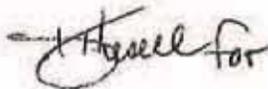
The California Council of Land Trusts deals with all types of mitigation banks. It is suggested that the County contact them to get an understanding of the fees associated with mitigation banking and the options available.

Draft Program EIR for the City of San José General Plan 2040  
August 1, 2011  
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Another source is the Division's California Farmland Conservancy Program (CFCP), which has participated in bringing about conservation easements throughout the State of California involving Land Trust Alliance, the California Council of Land Trusts, and the American Farmland Trust. The establishment of an easement in the County may potentially be feasible. If the City were not able to make arrangements for easement mitigation through one of these or many other land trusts operating in California, the Department would be glad to help. We recommend that the Final Program EIR consider agricultural conservation easement mitigation for this project. 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 giving us the opportunity to comment on the Draft Program EIR for the City of San José General Plan 2040. Please provide this Department with the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



John M. Lowrie  
Program Manager  
Williamson Act Program

cc: State Clearinghouse



August 5, 2011

City of San José  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 1st Floor  
San José, CA 95113

Attention: John Davidson, Senior Planner

Subject: Draft Program EIR for Envision San José 2040 General Plan

Dear Mr. Davidson:

The Santa Clara Valley Transportation Authority (VTA) has reviewed the Draft Program Environmental Impact Report (Draft PEIR) and the draft Envision San José 2040 General Plan. We have a number of comments on these documents, which are included in the attached memorandum. However, I would like to highlight here the key themes from our review.

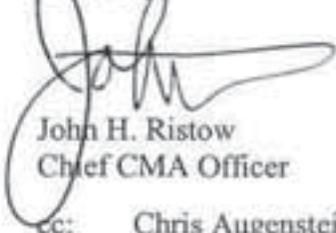
- First, we strongly support the General Plan objectives that strive to concentrate growth within Downtown and on lands located at the center of regional transportation systems, and to create an interconnected city where activities and services are easily accessible by walking, bicycling and public transit. These General Plan objectives represent a very positive direction for the City in land use and transportation planning. VTA supports policies and projects that target development around the established transportation cores, corridors, and station areas in Santa Clara County. VTA is in the process of making major transit investments in San José over the next 5 to 10 years with the extension of BART and the introduction of Bus Rapid Transit service, and growth should be concentrated more heavily around these investments rather than in outlying areas.
- Second, we commend the City for establishing an objective to design streets for people, not just cars, and for identifying opportunities to modify the City's roadway network to accommodate multimodal travel, such as by defining Grand Boulevards which provide priority for transit vehicles. It is clear that the City has given serious consideration to alternative modes of transportation in the draft General Plan and the Draft PEIR; this emphasis is consistent with the goals of the Santa Clara County Congestion Management Program managed by VTA. VTA has programs that offer grants to help plan and construct multimodal transportation improvements, and we are ready to help the City implement the vision identified in the Plan.
- While VTA understands the City's rationale for emphasizing job growth and the need to create a better balance of land uses to support the provision of services, we believe that the proposed General Plan land uses do not fully support the Greenhouse Gas (GHG) reduction goals established early in the Envision process. The proximity of jobs to transit, and job concentration versus dispersal, are two of the largest factors affecting transit ridership and

mode share. By continuing to disperse significant job capacity in outlying areas such as Alviso, New Edenvale, Evergreen, and North Coyote Valley, the proposed General Plan misses an opportunity to reduce Vehicle-Miles-Traveled (VMT) and GHG emissions. This approach is not fully consistent with the goals established in Senate Bill 375 and regional efforts in the development of the Sustainable Communities Strategy.

- The Alternative scenarios included in the Draft PEIR appear to evaluate only differences in the overall level of population and employment growth in the City, and not the degree to which this growth is concentrated versus dispersed. In our letter on the Notice of Preparation for this Draft PEIR, VTA encouraged the City include a feedback loop in the analysis of land use/transportation scenarios so that stakeholder input could be considered during the refinement of the alternatives. We request that the City consider adding another scenario that aims to achieve larger VMT and GHG reductions – through strategies such as concentrating growth in central, transit-rich areas such as Downtown and North San José, pricing strategies, employer-provided shuttles, and other measures.
- The Draft PEIR states that implementation of the proposed General Plan would have significant adverse impacts on 12 of 14 designated Transit Priority Corridors in the City. The DPEIR classifies this as a Significant Unavoidable Impact because it concludes that there is no assurance that transit priority techniques would reduce impacts to a less than significant level. Given that the draft General Plan's VMT and GHG reduction strategies rely heavily on a mode shift to transit, it is vital that transit remain time-competitive on these key corridors. The draft General Plan should be revised to include stronger policies supporting the implementation of transit priority measures such as signal priority, queue jump lanes and/or exclusive bus lanes on these corridors. VTA stands ready to assist the City in implementing these priority measures, by providing grant funding, inter-agency coordination, and technical assistance.

VTA looks forward to working with the City of San José on the completion and implementation of the Envision San José 2040 General Plan. Please do not hesitate to contact me at (408) 321-5713 or Chris Augenstein at (408) 321-7093 if you have any questions or to discuss how we can work together with you in this process.

Sincerely,



John H. Ristow  
Chief CMA Officer

cc: Chris Augenstein, Bijal Patel, Roy Molseed, Robert Swierk, VTA  
Hans Larsen, Joe Horwedel, City of San José

## MEMORANDUM

TO: John Davidson, Senior Planner  
City of San José Department of Planning, Building and Code Enforcement

FROM: Robert Swierk, AICP  
VTA CMA Planning Department

DATE: August 5, 2011

SUBJECT: Draft Program EIR for Envision San José 2040 General Plan

The Santa Clara Valley Transportation Authority (VTA) has reviewed the Draft Program Environmental Impact Report (Draft PEIR) and the draft Envision San José 2040 General Plan. In addition to the key themes raised in our letter from John Ristow dated August 5, 2011, we have the following specific comments based on our review.

### Transportation Analysis – Model Conformance

As described in the Envision San José 2040 Draft PEIR, the travel demand methodology used by the City of San José to determine transportation impacts is based on the use of the VTA Countywide model, adjusted and validated to more refined local conditions within the City of San José. City staff has worked in coordination with VTA modeling staff and has developed the model to be consistent with the methodologies used by the VTA and has provided detailed documentation of the base year 2008 model validation. VTA modeling staff has reviewed the City model documentation and has found that the model meets the CMA Local Model Consistency Guidelines adopted by the VTA Board of Directors in May 2009 in terms of methodologies and quality of the base year model validation. Subsequent to VTA staff review, the model consistency finding was adopted by the VTA Systems Operations Management Working Group and the VTA Technical Advisory Committee. The model consistency finding is expected to be approved by the VTA Board of Directors at the August Board meeting. City of San José staff is to be commended for preparing comprehensive model documentation facilitating VTA staff review of the modeling assumptions and base year validation, as this improves the credibility of the model results described in the Transportation section of the Draft PEIR.

### Transportation Analysis – Description of Model Methodology

There are inconsistencies in the description of model methodologies in Section 3.2.3.2 of the Draft PEIR and those reported in Appendix B. As an example, the process for distributing excess growth to outlying jurisdictions is more concise in Section 3.2.3.2 than the process described in the Appendix. Please ensure consistent wording between each section to minimize confusion.

### Transportation Analysis – Testing of Pricing Strategies

The preferred General Plan alternative has been shown to increase VMT per service population compared to existing conditions. Under proposed policies and actions that reduce or avoid adverse impacts from increased VMT, there is no direct mention of parking pricing strategies in the shorter term that may be adopted to decrease VMT. Pricing and availability of parking is a

strong factor in reducing automobile travel and is also a variable that can be tested within the framework of the models. Therefore increased parking costs could be a factor in helping meet the Plan's VMT reduction goals, and can be tested in a variety of manners including increasing long and short term parking costs for specific areas of the City or through congestion cordon pricing strategies for the downtown district. As noted in our letter from John Ristow dated August 5, 2011, we recommend that the City consider adding another scenario that aims to achieve larger VMT and GHG reductions; pricing strategies would be a key part of this scenario.

#### Transportation Analysis – Mode Share Impact

In the Transportation section of the Draft PEIR (p. 270), daily BART boardings by the San José service population are reported to be 198,000. This value appears to be too high and it is recommended that staff verify this value.

#### Transportation Analysis – Roadway Congestion and the CMP

The Draft PEIR states that implementation of the proposed General Plan would result in significant increases in congestion on already congested roadways crossing identified screenlines (Impact TRANS-3), adverse impacts on designated Transit Priority Corridors (Impact TRANS-4), and increases in congestion on congested roadways in neighboring cities and on County and Caltrans facilities (Impact TRANS-5). While the Draft PEIR does not call them out as such, many of these impacted roadways are Congestion Management Program (CMP) facilities. Per state Congestion Management Agency legislation, the City will need to prepare one or more Deficiency Plans in accordance with VTA's Deficiency Plan Requirements to address these congestion impacts as they arise. Deficiency Plans can be prepared in conjunction with Area Development Policies and must contain a list of actions to help offset the vehicular level of service impacts, and an implementation plan with specific responsibilities and a schedule.

The preparation of a Deficiency Plan can be an opportunity to implement multimodal (non-automotive) transportation improvements as off-setting measures. As noted in Policy TR-5.3 of the draft General Plan, these off-setting improvements can include improvements to transit, bicycle, and/or pedestrian facilities. They may also include the implementation of transit priority measures such as signal priority, queue jump lanes and/or exclusive bus lanes, or developer funding of shuttles to connect employment or residential sites to the regional transit system. VTA recommends that the discussion of roadway congestion impacts and mitigation measures in Section 3.2 of the Draft PEIR be revised to reference the VTA Congestion Management Program Deficiency Plan process.

#### Description of Proposed Transit Improvements – BART Extension

The description of the planned BART extension to Silicon Valley in Section 3.2 of the Draft PEIR is out of date and should be replaced by the following:

“As shown on Figure 3.2-8, the BART system is proposed to extend 16 miles from the planned terminus at the Warm Springs station in Fremont (currently under construction by BART) to Santa Clara via Downtown San José. The extension through San José is being implemented by the Santa Clara Valley Transportation Authority and will be constructed in phases. The 10-mile first phase, currently in design, will commence construction early in 2012 with service expected to begin in 2018. This first phase will include two stations, one

in Milpitas and the other in the Berryessa community of San José. The remaining segment is planned to include stations at Alum Rock, Downtown San José, San José Diridon, and Santa Clara. The route will be fully grade-separated including a subway through Downtown San José. Trains are expected to arrive on this extension every 7.5 minutes initially, increasing to one train every six minutes in the future, and would serve the routes to Daly City via San Francisco and to Richmond via Oakland. The 16-mile extension is estimated to have approximately 90,000 riders per day on an average weekday by 2030.”

Land Use and Transportation Diagram – Designation of Former UPRR Corridor South of US101

The VTA Silicon Valley Rapid Transit (SVRT) Program Office will submit specific comments on the designation of former Union Pacific Railroad (UPRR) lands south of US 101 in a subsequent comment letter.

Land Use and Transportation Diagram - Designations at Park & Ride Lots and Transit Centers

As a general comment, VTA is pleased with the collaborative effort the City of San José has made to intensify land uses around transit and promote transit-oriented development along the light rail, Bus Rapid Transit and future BART corridors. There are very few VTA Park & Ride lots and transit centers that are not designated with a Village overlay or a compatible land use designation. However, we would like to point out a few remaining properties that merit attention:

- Cottle LRT Station and Park & Ride is a potential transit-oriented development site and is designated as a potential joint development in VTA’s Joint Development Portfolio. The majority of the Park & Ride is designated as Neighborhood Community Commercial but not its entirety. In addition, the areas to the north and south of the Park & Ride have a Village overlay but the VTA Park & Ride does not. (DPEIR Figure 2.2-22)
- It is our strong preference to have a Village overlay at the VTA-owned parking lot adjacent to the Capitol Caltrain station (DPEIR Figure 2.2-22)
- The Tamien Specific Plan area is not updated per the agreed changes related to the VTA sale of 3.5 acres of the station to City of San José for use of a park (DPEIR Figure 2.2-22)

VTA requests that the City make the relevant changes to the designations in the Land Use/Transportation Diagram in the Draft PEIR as well as in the draft General Plan document.

Land Use and Transportation Diagram – Residential Densities and Commercial Intensities

VTA supports the proposed intensification of land use in core areas and near existing and planned transit stations as outlined in the land use designations in Chapter 5 of the draft General Plan. It is not clear from these descriptions which of these land use categories would include residential density minimums and commercial Floor Area Ratio minimums, and whether these would be binding or advisory. VTA recommends including density and intensity minimums in key areas of the City near transit stations and corridors, such as near the planned Berryessa BART station and Diridon Station. Implementing density minimums in the General Plan and the zoning code would acknowledge the important role of these lands in generating transit ridership and contributing to VMT and GHG reduction goals, and ensure that these lands are utilized to the greatest extent possible.

#### Land Use and Transportation Diagram – Multimodal Streets and Roadway Network Changes

VTA commends the City for including specific actions to retrofit existing streets to accommodate multimodal travel options including bicycle lanes and wider sidewalks, as summarized in Table 3.2-9 of the Draft PEIR. We encourage the City to identify other streets that may be candidates for these 'Group 3 Actions', particularly near transit stations and corridors and in Village areas, and include these in the Draft PEIR and draft General Plan. In addition, we encourage the City to reconsider the proposed widening of Zanker Road from SR-237 to Montague Expressway, as noted in Table 3.2-10 of the Draft PEIR. We believe that widening Zanker Road to 6 travel lanes will create an unnecessary barrier to pedestrian travel in an area with thousands of recently constructed and planned residential units, and discourage walk access to nearby light rail stations. In addition, we believe that the proposed widening is inconsistent with the proposed Village designation for these areas which is intended to create walkable, human-scale neighborhoods. We encourage the City to coordinate with VTA and other stakeholders regarding re-designation of Zanker Road in the draft General Plan.

#### Land Use and Transportation Policies - Connectivity

VTA supports the inclusion of roadway network changes that improve the connectivity of the transportation system, such as the extension of Chynoweth Avenue from Almaden Expressway to Winfield Boulevard and the extension of Charcot Avenue from O'Toole Avenue to Oakland Road, as identified in Table 3.2-10 of the Draft PEIR. Improving the connectivity of the transportation system can have a number of benefits, providing connections for automobiles, pedestrians, and bicyclists between residential areas, jobs, transit, shopping and services, schools, trails, and bicycle lanes. Improving connectivity in this way is likely to reduce the overall length of automobile trips, ease the burden on already-congested intersections and ultimately reduce vehicle-related emissions.

In addition, VTA recommends that the City consider including locations for new crossings (either roadway or bicycle/pedestrian-only) over freeways at key locations around the city. These crossings, such as a potential extension of Branham Lane over US 101, can help reduce congestion at key interchanges by diverting local vehicular and non-vehicular traffic away from freeway facilities, thereby reducing turning movements at ramps and improving operations and safety.

#### Land Use and Transportation Policies – Regional and State VMT Reduction Efforts & Intelligent Transportation System

VTA commends the City for including policies in the draft General Plan supporting congestion pricing as well as toll lanes on all major freeways and expressways in Santa Clara County (Policies TR-11.2 and TR-11.3). These policies are consistent with the objectives of VTA's Silicon Valley Express Lanes Program, which aims to maximize the efficiency of the roadway network, improve travel time reliability and commuter options, and create a source of revenue for operations and maintenance and transit improvements. We recommend that these General Plan policies be modified to specifically reference the "Silicon Valley Express Lanes Program." VTA also supports High Occupancy Vehicle (HOV) Lanes and Ramp Metering as means for managing traffic congestion on the freeways and expressways, and we recommend that "HOV Lanes" and "Ramp Metering" be noted under Goal TR-11 or Goal TR-12.



August 12, 2011

City of San Jose  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 1<sup>st</sup> Floor  
San Jose, CA 95113

Attention: John Davidson, Senior Planner

RE: Draft Program EIR for Envision San Jose 2040 General Plan – SVRT Rail Corridor Impacts

Dear Mr. Davidson:

The Santa Clara Valley Transportation Authority (VTA) has reviewed the Draft Program Environmental Impact Report (DRAFT PEIR) and provided a detailed comment letter on August 5, 2011. This correspondence supplements VTA's previous comment letter and is focused solely on the proposed land use designation for the former Union Pacific Railroad (UPRR) corridor from south of US 101 to East William Street.

VTA supports the overall strategy of the Envision San Jose 2040 General Plan; however VTA wants to maintain flexibility in the use of all available VTA-owned property to implement the BART extension to Downtown San Jose. VTA requests that the abandoned railroad corridor between US 101 and East William Street (currently VTA property) land use be changed from a park designation to a *Transportation and Utilities or Public/Quasi-Public* land use designation, or revert to non-park adjacent land uses similar with what is shown in the San Jose 2020 General Plan Transportation/Land Use Diagram north of Julian Street. A park land designation could compromise the BART project.

VTA will be developing a funding plan for the remaining segment of BART Silicon Valley, in anticipation of a subsequent federal New Starts funding request. Federal funding eligibility is contingent upon issuance of a Record of Decision for an Environmental Impact Statement (EIS), among other FTA eligibility criteria. For federally funded US Department of Transportation (USDOT) and FTA projects, impacts to park land are evaluated under a specific park-protection law (Section 4(f) Evaluation) and require additional environmental approvals from FTA and the US Department of the Interior. Impacts to park land could compromise federal funding eligibility and delay construction of the BART Silicon Valley extension to downtown.

VTA is evaluating the future use of the rail corridor now and would like to meet with city Park staff to discuss the potential opportunity to dispose or lease the VTA-owned rail corridor properties if the properties are deemed unnecessary for transit use. The meeting would provide

Mr. John Davidson  
City of San Jose  
August 12, 2011  
Page 1 of 2

an opportunity to discuss our current efforts related to the BART extension to downtown. VTA would like to better understand the city's goal and alignment for the Five Wounds Trail and its relationship to the BART Silicon Valley project.

SVRT Program Office and Real Estate will be contacting the City of San Jose to set up a meeting to discuss this item and address this land use issue in a manner that can benefit both VTA and the City of San Jose. If you have any questions, please contact my office at (408) 321-5623.

Thank you,



Carolyn M. Gonot  
Chief SVRT Program Officer

cc: Sam Liccardo, Councilmember, City of San Jose  
Hans Larsen, San Jose DOT  
Matt Cano, SJ Parks and Recreation

---

# County of Santa Clara

Office of the County Executive

County Government Center, East Wing  
70 West Hedding Street, 11th Floor  
San Jose, California 95110  
(408) 299-5102  
jeff.smith@ceo.sccgov.org



**Jeffrey V. Smith**  
County Executive

August 12, 2011

Mr. Joseph Horwedel, Director  
City of San Jose  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, Tower 3  
San Jose, California 95113-1905

*RE: Comments regarding the Draft Program Environmental Impact Report and Envision San Jose 2040  
General Plan*

Dear Mr. Horwedel:

Please find enclosed comments from the County regarding the Draft Environmental Impact Report (PEIR) and Envision San Jose 2040 General Plan update. These include comments from the Departments of Planning and Development, Parks and Recreation, Roads and Airports, and Public Health.

The attached comments include corrections, requests for clarification, and concerns the County has regarding the PEIR and proposed 2040 General Plan as they relate to County resources, residents, and facilities, including County Parks, roadways, and implementation of the Santa Clara Valley Habitat Conservation Plan (HCP).

If you have any questions regarding coordination of comments on the Revised Draft Program EIR from the County, please contact Rob Eastwood at (408) 299-5792 in the County Department of Planning and Development, Jane Mark at (408) 355-2237 in the Department of Parks and Recreation, Bill Lee at (408) 573-2487 in County Roads and Airports and Martin Fenstersheib MD, in Public Health.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Smith".

Jeffrey V. Smith  
County Executive

c: Board of Supervisors

# County of Santa Clara

Department of Planning and Development  
Planning Office

County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, California 95110-1705  
(408) 299-5770 FAX (408) 288-9198  
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August 8, 2011

Joseph Horwedel, Director  
City of San Jose  
Department of Planning, Building & Code Enforcement  
200 East Santa Clara Street, Tower 3  
San Jose, CA 95113-1905

**SUBJECT: Comments Regarding the Draft Program Environmental Impact Report and the Envision San Jose 2040 General Plan**

Dear Mr. Horwedel,

Thank you for the opportunity to comment on the City of San Jose's Envision San Jose 2040 General Plan, the comprehensive update to the City's 2020 General Plan, and draft Program Environmental Impact Report (PEIR). The project proposes an additional capacity of up to 470,000 jobs and 120,000 dwelling units in the City through 2035. We respectfully submit the following comments.

**Program Environmental Impact Report (PEIR) Comments:**

I. Biological Resources

The PEIR acknowledges (Page 471) that buildout under the proposed 2040 General Plan will result in new vehicle trips, creating new vehicle emissions resulting in nitrogen deposition impacts to serpentine grassland habitat. This indirect impact (vehicle emissions and nitrogen deposition) to sensitive habitat that supports a variety of endangered species is one of the main reasons the Santa Clara Valley Habitat Plan was prepared.

In describing this environmental issue, the Draft PEIR concludes that the impacts from buildout of the 2040 General Plan are significant and unavoidable. This conclusion appears to be in direct conflict with the analysis and findings of the Santa Clara Valley Habitat Plan (Public Draft, December 2010). The Habitat Plan, prepared under a local partnership that includes both the County and City of San Jose, evaluates nitrogen deposition impacts to serpentine habitat from future urban development in Santa Clara County and provides programmatic mitigation for the protection of this sensitive resource.

While the Habitat Plan is currently undergoing revisions and several options regarding impact fees and funding for nitrogen deposition impacts are under discussion, there is no evidence that implementation of the Habitat Plan is infeasible. As such, the County suggests that the City carefully reconsider the conclusions in the PEIR regarding this impact, including a consideration of the State mandated CEQA findings that must be made by the City in adopting the 2040 General Plan.

## 2. Cultural and Paleontological Resources

Section 3.11.1.5 (Identified Cultural Resources): Beginning on page 691, the PEIR refers to the "Santa Clara County Historical Conservation Districts" including the areas New Almaden, Portuguese Ranch, and Rancho Santa Teresa/Rancho Santa Teresa Historic District. These areas are identified in the Santa Clara County Heritage Resources Inventory as "Historic Districts H1, H2, and H4," and not Historical Conservation Districts. These should not be equated or confused with the County "-h" Historic Preservation Combining Zoning Districts, as defined in the County's Zoning Ordinance, Ch. 3.50.

### **Envision San Jose 2040 General Plan Update Comments:**

The Envision San Jose 2040 General Plan is consistent with long-standing countywide growth management and urban development policies as expressed in the County of Santa Clara's General Plan, Growth and Development Chapters. It promotes efficient use of existing urbanized areas, efficient growth patterns for service delivery, and improved jobs-housing balance. As the largest city in Santa Clara County, it is noted and laudable that San Jose is showing leadership and commitment to these joint city-County policies, which are also shared and articulated through the Santa Clara County Local Agency Formation Commission's (LAFCO) adopted policies.

More specific comments and questions on particular aspects of policy or explanatory text are listed below, according to the organization of the Draft Envision San Jose 2040 document available for review on the City's website. These documents are generally dated "Draft - 6/17/11," except for Chapter 1, which is noted as "Draft - 4/19/11."

### Chapter 1: Envision San Jose 2040

1. Pg. 1-8 contains a statement that City boundaries extend as far east into the Diablo Range as Copernicus Peak, at 4,372 feet, east of Grant Ranch Park. This appears to be a misstatement of fact. This peak is several miles east of the city's Sphere-of-Influence. No city boundary or planning boundary extends to Copernicus Peak.
2. Pg. 1-20 contains discussion of "Grand Boulevard" street concepts within San Jose, which is an extension of the Grand Boulevard Initiative (GBI) for El Camino Real in San Mateo County and Santa Clara County. The section should be expanded to include the work efforts of the Grand Boulevard Initiative and its multi-year planning process, and its particular relevance to the portion of El Camino Real as it extends southward from Santa Clara into San Jose, where it becomes The Alameda.

3. Pg. 1-23 contains discussion of the City's Greenline/Urban Growth Boundary (UGB) and appropriately references mutual, cooperative growth management policies of the incorporated cities and County to maintain rural character of rural areas and to allow urban growth and development only within Urban Service Areas, where it can be safely accommodated and efficiently provided with urban services. In reference to the City's and County's mutual commitment to these policies, it should refer to City-adopted UGB/Greenline policies and to the County's Growth & Development Chapter policies of its General Plan regarding countywide growth management / urban development policies.
4. Pg. 1-68 contains discussion of the city's Focused Growth – Planned Growth Areas strategy. It also includes mention of a “hubs, corridors, and villages” strategy to help preserve neighborhoods, minimize disruption to existing, developed, areas where growth and intensification is not desired, and reaffirms city policy to accommodate all urban job and housing growth within the city's Urban Growth Boundary (UGB). The strategies and policies stated in this section are consistent with County General Plan policies for countywide growth and development. The County would also urge the City to make sufficient allowance and provision for all forms or types of urban uses, including institutional uses within its UGB.

## Chapter 2. Thriving Community

### Policies for Fiscally Sustainable Land Use Framework, beginning p. 2-16

5. Policy FS-3.8 on p. 2-17 references city policies and correlating County Urban Service Area policies. These policies seek to generally maintain current USAs so as to prevent unwarranted urban sprawl and prevent rural lands generally unsuitable for urban growth and development from being included in city USAs. In this regard, the County concurs with the importance of maintaining existing USA and UGB boundaries, but would advise City to provide sufficient flexibility to allow for minor corrections and adjustments, specifically in regard to small parcels at USA edge that are divided by 15% slope line and current USA. By reference to County mapping and official LAFCO and County Surveyor's Office mapping, there are a small number of parcels that are divided by the USA and subject to both the City's and the County's General Plan for allowable uses, subdivision densities, and lot line adjustments. The County encourages the City to allow for USA adjustments so that such small parcels may be located either in or out of the USA for simplicity and clarity. This should be an explicit implementation measure included in the 2040 General Plan.
6. Policy FS-3.12 on p. 2-18 encourages County and LAFCO to cooperate and promote annexation of county islands (“pockets”). The County and LAFCO have partnered in recent years with various cities, including San Jose, in this regard. The City's General Plan should state that as a general goal and in furtherance of the joint

city-County urban development policies, the cities should assume responsibility for annexing remaining islands. To address future island annexation issues, attendant fiscal issues, and other aspects of island policies, the City's policy(s) should state that it will work cooperatively with the County, LAFCO, and other stakeholders to address the subject and continue the significant progress that has been made to date.

7. Policy FS-3.13 on p. 2-18 promotes and encourages other jurisdictions to take on a greater share of the region's housing needs to promote jobs-housing balance for San Jose and the region as a whole. While the County agrees that each city in Santa Clara County should provide its fair share of urban housing need, the County itself would not have a role in taking on greater shares of regional urban housing needs. This policy should be directed towards the other cities, consistent with joint city-County policies for urban growth management. In Santa Clara County, the cities are responsible for planning for and accommodating future urban growth and development needs.
8. Policies FS 5.9 and FS 5.10, on p. 2-20 under the heading of Fiscally Sustainable Service Delivery, prescribe that the city's USA not be expanded to include Coyote Urban Reserve (CVUR) or South Almaden Valley Urban Reserve (SAVUR) in the 2040 plan horizon and to maintain rural character of those areas. The County agrees with intent and policy as stated, and proposes to maintain existing County General Plan Land Use designations currently applicable to those areas, consistent with the Envision San Jose 2040 General Plan.

#### Chapter 5: Interconnected City – Land Use and Transportation Diagram

9. Pg. 5-3 contains discussion regarding the city's UGB and related policies, under the heading "Establish Fixed Urban Growth Boundary." This discussion explains that with state of the art topographic mapping and data, it is possible to firmly establish the 15% slope line and show it on a Land Use / Transportation diagram. It further asserts that the City should not expand UGB beyond this 15% slope line. The County is in general concurrence with this component of the City's growth management policies, but urges the City that such policies not be interpreted or written so rigidly as to preclude a minor adjustments to address small parcels split by the USA. If parcels with a majority of land area above the 15% slope line should be removed from the USA for consistency with this policy, the County would encourage coordination of such modifications with LAFCO and the County when potential retractions of the USA are appropriate.

#### Land Use Designations – Open Hillside

10. The description and policies found on pages 5-16 to 5-18 for the Open Hillside land use designation are generally consistent with County Land Use designations of Hillside and Ranchlands applied to non-urban areas outside the USA in San Jose's (SOI). The Open Hillside designation policies for residential use and densities are generally consistent with those of the County's General Plan, except

that in the County's Hillside designation, where the 20-160s slope density formula may only apply where residential subdivision is proposed as a cluster subdivision, preserving no less than 90% of the land in permanent open space.

For Open Hillside Non-residential uses, the City's General Plan allows rural institutional uses that are of an appropriate non-urban form and character, with reference to County General Plan policy language for such uses from County GP policy R-LU 18. That County policy (and related policies R-LU 25-27) allow for certain low intensity institutional uses that require a remote, rural settings or that support the recreational, productive use, study and appreciation of the natural environment. In a similar way, the City General Plan also refers in this section to allowing "conference, retreat, and rehabilitation centers." The County concurs with need for policy consistency for these areas and land use matters, and urges the City to re-emphasize the importance of allowing only low intensity, non-urban forms of these institutional uses by means of this and related policies. Conference centers, retreats, and rehabilitation centers are often conceived as being allowed by the City and by the County in non-urban areas regardless of size or use intensity, which is not the case.

#### Chapter 6: Land Use and Transportation

11. Under the heading of Urban Agriculture, beginning p. 6-17, the City 2040 Plan promotes various means of allowing new and varied forms of urban agriculture. This effort includes city Zoning Ordinance amendments to foster urban agriculture in appropriate urban zoning districts. Policies for Urban Agriculture also refer to preserving agricultural lands and prime soils in non-urban areas. The County concurs with these and other policies LU-12.1 through LU-12.11, including the "Actions" policies. The County encourages San Jose and other cities to coordinate in this regard in the development of a County General Plan Health Element, which is in the early stages of development. Also, Policy Action statement LU-12.10 appears to be referring primarily to the County's Public Health Department, rather than the County's Department of Environmental Health, although each may have a role to play in the educational efforts addressed in this policy "action" statement.
12. P. 6-33 to 6-34, under Goal LU-20 Rural Agriculture, the plan presents a series of policies LU-20.1 to 20.9 on the subject of preserving rural agriculture and promoting sustainability goals for local food production. The County supports these policies as being consistent with the County's General Plan policies on the subject, and encourages appropriate coordination with the County and other stakeholder organizations, including the Open Space Authority, among others, to these ends.

The County appreciates your time and attention to the foregoing comments. If you have additional questions regarding these comments, please do not hesitate to contact Rob Eastwood (408-299-5792) or Bill Shoe (408-299-5749).

Sincerely,



Jody Hall Esser  
Director  
Planning and Development

# County of Santa Clara

## Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
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Reservations (408) 355-2201  
[www.parkhere.org](http://www.parkhere.org)



August 9, 2011

Joseph Horwedel, AICP  
Director  
City of San Jose  
Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113

**SUBJECT:** Draft Program Environmental Impact Report (PEIR) for the Envision San José  
2040 General Plan

Dear Mr. Horwedel:

Please find below comments from County of Santa Clara, Parks and Recreation Department, on the Draft PEIR for the Envision San José 2040 General Plan.

### **Section 2.5 Consistency with Adopted Plans**

The Draft PEIR should include the County of Santa Clara General Plan and *Santa Clara County Countywide Trails Master Plan Update* (which is an adopted section of the General Plan's Park and Recreation Element) as relevant land use plans for the Draft PEIR discussions related to consistency of applicable plans for PEIR Sections 3.9 Public Facilities and Services and 3.2 Transportation.

### **Section 3.1.1.3 Existing Land Use (Agriculture/Farmland)**

Table 3.1-1 (Prime Farmland within the City of San Jose UGB) on page 142 should be corrected for "Lands of Lester – Branham and Snell." The land is no longer owned by Mr. Lester. The land is jointly owned by the County of Santa Clara and the State of California. The property is known as Martial Cottle Park, not "Lands of Lester" since the property transferred in 2004.

### **Section 3.1.3.6 Impacts to Agricultural Resources**

The Draft PEIR describes the former Lester site (now the Martial Cottle Park site) as the following on page 176.

Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss  
County Executive: Jeffrey V. Smith



Lester (Edenvale Planning Area) – The County is planning a future park for the site. A house on the property may still be occupied. Land does not appear to still be under cultivation.

The above description should be revised with the following information:

*Lester Martial Cottle Park (Edenvale Planning Area) – Martial Cottle Park is a County park and State Park jointly owned by the County of Santa Clara and the State of California. The County of Santa Clara Board of Supervisors approved a Master Plan for Martial Cottle Park on February 8, 2011, and the California State Park and Recreation Commission approved a General Plan for the park on March 2, 2011. The site will be developed as a public historic agricultural park which will continue agricultural uses in perpetuity to comply with deed restrictions associated with the property transfer from the donor, Mr. Walter Cottle Lester. Land continues to remain under cultivation.*

### **Section 3.2.1.7 Pedestrian and Bicycle Circulation**

Under the Trails and Pathways section, the Draft PEIR does not include adequate discussion of the Bay Area Ridge Trail and Juan Bautista de Anza National Historic Trail which are part of the City's Coyote Creek Trail and Bay Trail system. In addition, the Draft PEIR should also discuss how the Citywide trails system integrates into the Countywide (regional) trails system within Santa Clara County, where the *Santa Clara County Countywide Trails Master Plan Update* map (1995) provides the overall framework for the regional trails system which guides the citywide trails such as Coyote Creek Trail, Los Gatos Creek Trail, Guadalupe River Trail, and etc.

The Draft PEIR does not adequately identify the future need for expanding regional park resources in the Almaden Planning Area. In 2009, Calero County Park was expanded with the addition of the 966 acre Rancho San Vicente property. This expansion of Calero County Park now provides potential for future public access to Calero County Park from McKean Road within the City's Urban Growth Boundary.

County Parks supports the City's Parks, Recreation and Neighborhood Services and the Department of Transportation's recommendations to propose inclusion of Fortini Road in south San Jose as a planned bikeway to serve as a preferred connecting route between Santa Teresa County Park and the newly acquired Calero County Park parklands fronting McKean Road. Inclusion of Fortini Road as a planned bikeway in the City's Bikeways Plan 2020 would facilitate cross valley connections to the Bay Area Ridge Trail, Juan Bautista de Anza National Historic Trail, the Countywide Trails Master Plan's Sub-regional Trail Route S6, West Valley Trail, and the City's Los Alamitos Creek Trail.

### **Section 3.9.1.4 Parks and Recreation**

The Draft PEIR states that, "...the City is deficient in school recreation and City-owned Citywide/regional parkland," as demonstrated in Table 3.9-3 (page 599) with a current deficiency of 5,449 acres of City-owned citywide/regional parkland. In addition, the Draft PEIR states that, "[i]n order to meet the 2020 General Plan service level objective of 7.5 acres per 1,000 population for citywide/regional parklands within the City's boundaries, the City partners with the Santa Clara County Parks Department and the Santa Clara County Open Space Authority and

Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss

County Executive: Jeffrey V. Smith



the Don Edwards National Wildlife Refuge to provide such regional parks and open space lands.”

Under Table 3.9-5 (page 616) City Parkland Requirements for ESJ 2040 General Plan, the projected deficiency of Citywide/Regional Parkland (City-owned) is 8,005.1 acres. Since the City already has a current parkland deficiency of 5,449 acres based on the existing 2020 General Plan goals, as shown in Table 3.9-3 (page 599), the Draft PEIR should address the impacts related to the additional increased parkland deficiencies of the 2040 General Plan goals. The 2040 General Plan goals identify an additional 2,556.1 acres of projected parkland deficiency above the current 2020 General Plan goals, which the Draft PEIR does not adequately address as a significant impact.

As stated in the Draft PEIR, “the proposed General Plan would result in an estimated population of 1,313,811 by 2035. Residential development allowed under the proposed General Plan would increase the demand for park and recreational facilities and exceed the previous estimates for parkland acreage identified in the Greenprint.” (Section 3.0, page 616) The PEIR is based on a Preferred Scenario which provides growth capacity for development of up to 470,000 additional jobs and 120,000 new dwelling units through 2035. In addition to an increased residential population, the City will be anticipating an increased workforce population which will need park and recreational facilities to serve them.

Consequently, the Draft PEIR is inadequate in addressing the following Parks impacts related to the identified parkland deficiencies for the 2040 General Plan goals:

- The Draft PEIR does not adequately address the significant impact levels associated with the overall parkland deficiency of 8,005.1 acres, specifically the additional 2,556.1 acres of projected parkland deficiency above the current 2020 General Plan and 2009 Greenprint goals. The PEIR identifies proposed General Plan policies and actions that may reduce or avoid adverse impacts to parkland and community recreational facilities on pages 617-619. However, the PEIR does not quantify or demonstrate how these policies and program-level mitigation measures are able to adequately address the significant levels of park impacts related to projected parkland deficiencies associated with the 2040 General Plan goals. For example, the PEIR does not discuss is the amount of new urban open space and parkland recreation areas that would be provided with the implementation of Policy PR-1.9, which states, “As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately, or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.”
- The existing regional parklands within the Urban Service Area/Urban Growth Boundary will be adversely impacted by the increased demand for park and recreational facilities, which include Citywide regional facilities (Almaden Lake Park, Alum Rock Park, Lake Cunningham Park, etc.) and County-provided regional park facilities within the City’s USA/UGB (Almaden Quicksilver, Alviso Marina, Calero, Coyote Creek Parkway, Joseph D. Grant, Hellyer, Martial Cottle Park, Penitencia Creek Parkway, and Santa Teresa County Parks). The Draft PEIR does not address the increased impacts to existing

Board of Supervisors: Mike Wasserman, George Shirakawa, Duve Cortese, Ken Yeager, Liz Kniss

County Executive: Jeffrey V. Smith



citywide and countywide regional parks nor provide program-level mitigation for addressing these regional park impacts. In addition, the PEIR does not specify how the City would partner with other regional park providers such as the County of Santa Clara Parks and Recreation Department, Santa Clara County Open Space Authority and other agencies in the provision of regional parks and open space to fulfill the 2040 General Plan goals.

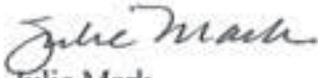
- The Draft PEIR does not specifically address the increased demand for park and recreational facilities for new residential and workplace populations projected in Urban Villages and Planning Areas located adjacent to the unincorporated, urban pockets such as the Burbank area, Cambrian area, and other large, unincorporated areas within the City's Sphere of Influence, which are currently not being served by existing park and recreational facilities since the unincorporated pockets are anticipated to be annexed to the City at a future time in accordance to the City and the County's respective General Plan policies.
- The Draft PEIR identifies nine key Employment Land Areas which are defined as non-residentially designated lands supporting private sector employment. With the additional jobs generated in these areas, the projected workforce would demand parks, open space and trails as part of the 2040 General Plan's goals for "...the development of walkable neighborhoods and vibrant urban places strategically located throughout the city and which is environmentally sustainable, is fiscally responsible, and makes prudent use of existing public transit facilities and other infrastructure." (Section 2.0, page 34). Since the project objective is to facilitate access to parks and recreation, the PEIR does not address the future park and trail needs of the employers and workers in these Employment Land Areas.
- As discussed in the Draft PEIR, "Floating" Park Site Designations in Land Use/Transportation Diagram identify, "...cases where a park is needed, or will be needed in the future based on planned residential growth (such as the Villages), but where no specific site has yet been identified or where details of surrounding development have not been finalized." In addition, this land use designation would not require a General Plan amendment to modify the general location, size or configuration of such park sites which would be finalized only through acquisition of a particular parcel (Section 2.0, page 100). However, the Draft PEIR does not provide assurances that these floating park sites would be developed in the event that the City were unable to secure these acquisitions and develop the new park facilities at these potential sites. For example, in the Berryessa Land Use/Transportation Diagram, there are fourteen (14) "floating" park site designations identified within Urban Village and Neighborhood/Community Commercial land use areas. The City's Greenprint 2009 identified the Berryessa area as currently underserved with neighborhood/ community serving parklands and the City would need an additional 32.9 acres of neighborhood/ community serving parkland to meet the service level objective of providing 3.5 acres/1,000 population in the year 2020; however the Draft PEIR does not discuss assurances that the 2040 General Plan goals would be achievable to address the future parkland needs in the Berryessa area with these floating park site designations. The Draft PEIR should discuss the potentially significant impacts associated with parkland deficiencies if these floating park sites are not acquired and developed.



Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss

County Executive: Jeffrey V. Smith

Sincerely,



Julie Mark  
Acting Director

CC: Jody Hall Esser, Director, County Department of Planning & Development  
Rob Eastwood, Senior Planner, County Department of Planning & Development  
Jane Mark, Senior Planner, County Parks and Recreation Department



Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss  
County Executive: Jeffrey V. Smith

# County of Santa Clara

Roads and Airports Department



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

August 8, 2011

Joseph Horwedel, Director  
City of San Jose  
Department of Planning, Building & Code Enforcement  
200 East Santa Clara Street, Tower 3  
San Jose, CA 95113-1905

**SUBJECT: Comments Regarding the Draft Program Environmental Impact Report - Envision San Jose 2040 General Plan**

Dear Mr. Horwedel:

The County of Santa Clara Roads and Airports Department has reviewed the Draft Program Environmental Impact Report – Envision San Jose 2040 General Plan and Section 3.2 "Transportation" of the Draft Program Environmental Impact Report (PEIR). The Roads and Airports Department is responsible for the operation and maintenance of the County Expressway System and unincorporated road system. As noted in the PEIR, this includes five expressways which operate within City of San Jose as well as three other expressways that would be affected by *Envision San Jose 2040*. In addition, the County operates nearly 600 centerline miles of unincorporated roads, including roads in large unincorporated pockets within San Jose's sphere of influence and roads that connect San Jose to other cities/counties. Listed below are the County's comments on Section 3.2 of the PEIR:

- 1) Page 227, Figure 3.2-4 – The map of "Existing Bicycle Facilities" indicates there are Class III Bicycle Routes on Almaden, Capitol, Lawrence, Montague, and San Tomas Expressways. There are no designated, signed Class III Bicycle Routes on these expressways. The County's policy is to accommodate bicyclists on the shoulders of all expressways by providing shoulders that are consistent with bicycle lane width and striping but not to designate as a Class II Bicycle Lane or Class III Bicycle Route. The function of the expressways within the transportation network are such that expressways should only be used by advanced-skilled bicyclists, not by children or novice bicyclists. Figure 3.2-4 should be revised to remove the Class III designation for expressways.
- 2) Page 240, Figure 3.2-5 – The "Proposed Network Changes" map should include new interchanges/grade separations on Montague Expressway similar to how the interchange reconfigurations are shown for I-880/Montague and I-680/Montague. According to a November 16, 2006, settlement agreement between the County and City, the City will

construct a Trimble flyover ramp and complete the McCarthy-O'Toole interchange as part of implementation of the North San Jose Plan. These improvements should be included in Figure 3.2-5 and in the list of proposed roadway network changes as they represent significant changes to Montague Expressway.

3) Pages 244-245, Table 3.2-10 – At the bottom of page 244, the table indicates that Santa Teresa Boulevard will be expanded to 6 lanes from Bayliss Drive to Laguna Avenue. At the top of page 245, the table indicates that Santa Teresa Boulevard will remain at 2 lanes in *Envision San Jose 2040* from Laguna Avenue to the City boundary.

According to our records, Santa Teresa Boulevard changes from a City to County road 0.18 miles north of Laguna Avenue, which overlaps slightly with the Bayliss to Laguna section. Please clarify the City's intent in terms of number of lanes for Santa Teresa Blvd. In addition, explain the meaning of the asterisk attached to Laguna Avenue.

4) Page 254, Figure 3.2-9 – "Future Bicycle and Pedestrian Facilities" map needs to be revised to remove the Class III Bicycle Route designation for the expressways.

5) Page 288, Section 3.2.4.5 Impacts to Adjacent Jurisdictions – The third paragraph on this page includes the following sentence: "Minor arterials were also analyzed to determine the impacts identified in Table 3.2-16." Table 3.2-16 is the "Transit Priority Corridor Impact Summary" which is part of Section 3.2.4.4. How does the minor arterials analysis of adjacent jurisdictions relate to San Jose's Transit Priority Corridors?

6) Page 289, Section 3.2.4.5 Impacts to Adjacent Jurisdictions – Page 260 of the PEIR states: "...expressways operated by the County of Santa Clara are included in this analysis as "adjacent jurisdictions" because they are not within the City's control, even though the roadway segments evaluated may be within the City of San Jose." On page 289, the list of Santa Clara County facilities evaluated as part of adjacent jurisdictions includes six of the eight expressways. The two expressways missing are Almaden and Capitol Expressways. Almaden and Capitol Expressways should be included in the adjacent jurisdiction impacts analysis and added to the results in Table 3.2-17.

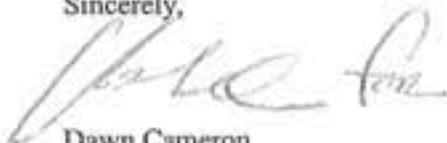
7) Page 289, Section 3.2.4.5 Impacts to Adjacent Jurisdictions – The expressways are not the only County-operated roads that should be included in the analysis of impacts to adjacent jurisdictions. The Draft PEIR does not adequately analyze impacts on County unincorporated roads. On page 288, the PEIR lists Monterey Street for Gilroy and Morgan Hill. The County operates Monterey Hwy between these two cities and the County's segment of Monterey should be included in the impact analysis. In addition, there are two other north-south routes operated by the County that connect the South County to San Jose: Santa Teresa Boulevard and the Uvas/McKean corridor. With San Jose's plans for a 1.3 jobs/employed residents ratio, the in-commute from other counties will likely increase significantly. When US 101 becomes highly congested from South County into San Jose, spillover traffic usually occurs on three parallel roadways: Monterey Hwy, Santa Teresa Blvd, and the Uvas/McKean Road corridor. The PEIR

should analyze the congestion impacts on the County's segments of these three parallel roadways.

8) Page 238, Section 3.2.2 Thresholds of Significance and Page 288, Section 3.2.4.5 Impacts to Adjacent Jurisdictions – Page 238 lists “Substantially increase hazards due to a design feature or incompatible uses” as a threshold of significance. The application of this threshold was too narrowly applied by focusing only on the City’s roads and, thus, the analysis for this threshold was inadequate. This threshold should also be applied to adjacent jurisdictions in terms of impacts on safety from increased congestion. The County operates many rural roads that lead into City of San Jose. These roads are proving to be of increasing popularity with bicycle riders from San Jose; however, many of these roads have inadequate shoulders to accommodate both bicyclists and motor vehicles. Some of these roads (e.g., McKean Road, Uvas Road, Santa Teresa Boulevard) will likely see greatly increased traffic volumes from the growth projected in *Envision San Jose 2040* creating operational and safety concerns for both motor vehicles and bicycles. In addition, the city-bound traffic using rural farm-to-market facilities will aggravate pavement deterioration and accelerate the need for surface and structural improvements to support safe operations of the roads. The PEIR should include an analysis of the impacts of increased traffic demand on these rural roads related to “substantially increase hazards due to a design feature or incompatible uses.” Mitigation measures that call for General Plan policies and/or actions to support safety improvements on rural roads should be considered. These safety improvements include design features such as adding/widening shoulders and structural improvements to support increased traffic loads.

If you have any questions, please contact me at (408)573-2465

Sincerely,



Dawn Cameron  
Consulting Transportation Planner  
County of Santa Clara – Roads & Airports Department

# County of Santa Clara

## Public Health Department

Administration  
976 Lenzen Avenue, 2<sup>nd</sup> Floor  
San Jose, CA 95126  
408.792.5040



August 10, 2011

Mr. Andrew Crabtree, Envision Team Leader  
Planning, Building and Code Enforcement  
San Jose City Hall  
200 E. Santa Clara Street  
San Jose, CA 95113

Dear Mr. Crabtree:

Thank you for the opportunity to comment on the Envision San Jose 2040 General Plan Draft EIR. The Santa Clara County Public Health Department commends the San Jose Envision 2040 Task Force for addressing goals, strategies and policies that help to foster a healthier community.

In particular, we commend the Task Force's plans for the built environment that include the reduction of dependency on automobiles, promotion of biking and walking and the use of transit, development of greater neighborhood connectivity, provision of services and facilities in neighborhoods, particularly health care facilities, schools, parks, retail, and the development of locations for locally grown produce. All of these efforts will help to prevent chronic diseases such as asthma, cardiovascular disease, cancer, and obesity. They will also enhance social cohesion and a sense of community, help to reduce mental health stresses, and reduce injuries, leading to an overall improvement in the health status of our community.

The Santa Clara County Public Health Department recommends the following additions to the Envision 2040 General Plan Update:

- Address the provision of safe public drinking fountains in neighborhoods, recognizing the importance of water in human nutrition, the role of bottled water in the production of waste, and the need to promote healthy alternatives to sugar-sweetened beverages, particularly for children.
- Emphasize the role of the built environment in the prevention of violent crime and the development of community cohesion. Violence can lead to physical injuries, depression, anxiety, and substance abuse. The design of neighborhoods can be conducive to crime or help to prevent it. Foot traffic and homes and businesses that face the street can help to prevent crime.
- Strengthen the discussion of the negative health consequences of increased vehicle miles travelled (VMT) by addressing the connection between long driving hours and reduced physical

Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss  
County Executive: Jeffrey V. Smith

activity (which is a risk factor for obesity) and the increased incidence of musculoskeletal pain and stress; long hours in the car can also lead to reduced social connectedness.

- Include full discussion of the health effects of climate change and the heat island effect, stressing the consequences for the most vulnerable populations (young children, elderly, people with chronic disease, mentally ill, disabled, and the poor) and strengthen mitigation measures. Although the report states that San Jose's location near the coast would limit health effects, studies have shown that cities in cooler climates have higher numbers of heat-related deaths than those in warmer climates where there is greater use of air-conditioning and acclimatization to heat.<sup>1</sup>
- Ensure that affordable housing is included in new transit oriented design (TOD) developments to mitigate any displacement of existing low-income populations in surrounding neighborhoods. This is particularly important as low-income populations are less likely to own a car and are more likely to depend on public transportation.
- Explore limiting the number of alcohol and tobacco outlets, particularly in neighborhoods with a high density of outlets, or in close proximity to schools and youth-populated areas. The saturation of alcohol and tobacco outlets can lead to higher use rates and higher incidence of violent activity, particularly with alcohol.
- Address the importance of smoke-free policies in reducing exposure to toxic air contaminants, particularly in multi-family residences. Frequent and recurring exposure to secondhand smoke can cause health problems such as asthma, heart disease, cancer and Sudden Infant Death Syndrome (SIDS), as well as worsen a chronic illness.

Thank you for your consideration of these recommendations. We look forward to continued cooperation toward the creation of a healthier San Jose.

Sincerely,



Daniel Peddycord, RN, MPA/HA  
Public Health Director



Martin Fenstersheib, MD, MPH  
Health Officer

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<sup>1</sup> A Human Health Perspective on Climate Change: A Report the Research Needs on the Human Health Effects of Climate Change, The Interagency Working Group on Climate Change and Health, Environmental Health Perspectives and The National Institute of Environmental Health Sciences, U.S. Department of Health and Human Services, April 22, 2010. [http://www.cdc.gov/climatechange/pubs/HHCC\\_Final\\_508.pdf](http://www.cdc.gov/climatechange/pubs/HHCC_Final_508.pdf)



August 12, 2011

Mr. John Davidson  
City of San Jose  
Planning Department  
200 East Santa Clara Street  
San Jose, CA 95113-1905

Dear Mr. Davidson:

Subject: Envision San Jose 2040 General Plan Update, Draft Programmatic Environmental Impact Report, SCH #2009072096, City of San Jose, Santa Clara County

The Department of Fish and Game (DFG) has reviewed the draft Programmatic Environmental Impact Report (PEIR) for the City of San Jose (City) General Plan Update. We are providing the following comments:

#### **Draft PEIR and Appendix E**

A revised Final Programmatic Environmental Impact Report (PEIR) should discuss appropriate mitigation measures consistent with the California Environmental Quality Act (CEQA) Guidelines 15126.4 to compensate for impacts for those species or habitats where significant, or potentially significant, impacts are identified. The draft PEIR does not thoroughly discuss what DFG determines as impacts to rare and sensitive species and their habitats. The significant amount of material in draft PEIR Appendix E on rare and sensitive species should be incorporated as discussion within the Final PEIR and not in the Final PEIR Appendix E. The conclusions of this material should be discussed and summarized (CEQA, Guidelines 15147) to determine the impacts and the subsequent mitigation proposed. We recommend that the draft PEIR Chapter 3.5 be revised to include a discussion summary of each species and habitat as is identified in the Appendix E. In this regard, DFG remains available to work with the City in developing the Final PEIR.

#### **Serpentine Habitat**

Serpentine habitats are rare vegetative communities that can support a variety of associated rare plant and animal species. There are two primary types of impacts to serpentine habitats, direct and indirect. For direct impacts, the draft PEIR discusses thorough adequate avoidance and mitigation measures through draft PEIR Policies ER-2.4 and 2.7.

Indirect impacts are not sufficiently addressed. For example, indirect impacts can occur as a result of atmospheric compounds, such as nitrogen compounds, being deposited on serpentine communities. The primary element of concern is nitrogen because it serves as a plant nutrient in nitrogen deficient serpentine areas. As a result of this additional nitrogen nutrient load, some plants which would not otherwise survive and spread on serpentine habitats, would be able to thrive, out competing the serpentine plant endemics.

The draft PEIR references the nitrogen deposition analysis done for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). This analysis estimates the current nitrogen deposition rate in Santa Clara County to be as much as 6 kilograms (kg) of nitrogen per hectare per year (N/ha/year), rising to 8 kg-N/ha/year in 2035 and almost 10 kg-N/ha/year in 2060. Using this progression, the draft PEIR uses an estimate of 8.25 kg-N/ha/year as the expected amount of deposition in 2040. The relative proportion of this material attributable to sources within the City is estimated to be 38% in 2035. The draft PEIR acknowledges that this is a potentially significant impact.

The City proposes to mitigate these impacts by finalizing the draft Santa Clara Valley Habitat Plan (SCVHP), a joint HCCP/NCCP, whereby implementing the area wide conservation strategy associated with the SCVHP draft PEIR Action ER-2.9. If the SCVHP is not adopted, the City would in turn develop a comparable plan which the City will implement draft PEIR Action ER-2.10. The City states that this action will occur only if City resources allow. The draft PEIR Impact BIO-2 states that, while it is the City's intention to address indirect impacts to serpentine habitats through implementation of either draft PEIR ER-2.9 or ER-2.10, no assurances will be provided that ensures that the City would be able to accomplish this level of mitigation.

DFG is concerned that this would cause the City to adopt a Findings of Overriding Consideration (CEQA Guidelines 15093) without also adopting all feasible measures to substantially lessen the significant impact. In order to determine that the mitigation measures were infeasible, the City would have to provide substantial evidence that specific economic, legal, social, technological, or other considerations would make it infeasible. The draft SCVHP identifies feasible mitigation that can be implemented.

Under CEQA, public agencies may not approve projects that result in significant impacts without first adopting feasible mitigation measures or alternatives that will substantially lessen or avoid such effects (PRC Section 21002). Likewise, a public agency may not move to utilize CEQA Guidelines 15093 without first considering and adopting all feasible measures to substantially lessen or avoid significant impacts. Using these standards, the City should propose an alternative course of action consistent with the draft SCVHP methods to ensure all feasible mitigation (other than draft PEIR Action ER-2.9 or ER 2.10) prior to pursuing Findings of Overriding Consideration for indirect impacts to serpentine habitats.

### **Burrowing Owl**

The Final PEIR should both identify potential burrowing owl impacts and identify proposed proportional burrowing owl mitigations. DFG recommends that any mitigations be consistent with the draft Burrowing Owl Conservation Strategy developed for the SCVHP.

Nesting burrowing owls in the South Bay Area are in critical decline. In the early 1990s there were an estimated 150-170 breeding pairs in the San Francisco Bay Area. These numbers represented a 53% decline from the previous period of 1986 to 1990. In those estimates it was assumed that 75% of the burrowing owl population occurred in Santa Clara County and nearly all of those burrowing owls were congregated around the southern edge of the San Francisco Bay. Surveys in the early 1990s revealed that about a third (43 to 47 burrowing owl pairs) of Santa Clara County breeding pairs occurred inside what is now the draft SCVHP study area.

Currently, the largest burrowing owl colony in the Bay Area is at Norman Mineta International Airport, with considerably smaller colonies at Shoreline Park in Mountain View and the NASA Ames Research Facility Field in Sunnyvale. There are scattered burrowing owl pairs at other locations concentrated in the north San Jose and Alviso planning areas, and the species is at significant risk of extirpation in Santa Clara County. Accordingly, any impacts to burrowing owl burrows or burrowing owl foraging habitat occurring as a result of activities evaluated in the draft PEIR should be considered significant or potentially significant.

There should be a significant discussion of the burrowing owl current status, burrowing owl potential impacts and appropriate burrowing owl mitigations. The majority of burrowing owls in Santa Clara County are in areas under City jurisdiction and this area also has burrowing owl mitigation opportunities. The draft PEIR Chapter 3.5 should be amended to include significant discussion of current burrowing owl baseline in the region and particularly within those areas under City jurisdiction.

### **Coyote Valley Connectivity**

The draft PEIR, acknowledges that Coyote Valley is an important cross-valley wildlife corridor situated between the Diablo Range and Santa Cruz Mountains. The draft PEIR recognizes that this is the remaining opportunity for connectivity between the San Francisco Bay and the Pajaro River area.

The draft PEIR notes that existing impediments, such as the median barrier on Monterey Highway, and future development, particularly along Bailey Avenue, combined with road widening and increased traffic will further degrade the ability of the area to provide for wildlife corridor connectivity. The draft PEIR concludes that this would be a substantial impact. DFG recommends that the City incorporate wildlife passage into the roadway design.

Mr. John Davidson  
August 12, 2011  
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### City Trees

DFG recommends that the City include protective measures for nesting birds in maintenance or removal of urban and Heritage trees. Between February 1 and August 31, birds can be found nesting in urban trees. Removal or trimming of trees during this period could result in destruction of active nests (Fish and Game Code, sections 3503 and 3503.5). A qualified biologist should survey tree(s) for active nests prior to work occurring and, if nesting is documented, observe the nest until the young have fledged or are no longer dependent on the nest site, after which the tree work would proceed.

We commend the City for including a policy to prohibit planting of London Plane trees in the Coyote planning area so to avoid hybridization with native Western Sycamore trees. DFG recommends that the City encourage, as much as possible, landscaping with native trees and shrubbery within the urban city setting. Also, making use of native plants will reduce the need for watering.

DFG appreciates the opportunity to comment on the draft PEIR and we are available to work with the City to revise the draft PEIR. If you have any questions or comments please contact Mr. Dave Johnston, Environmental Scientist, at (831) 464-6870; or Mr. Liam Davis, Senior Environmental Scientist, at (707) 944-5529.

Sincerely,



Carl Wilcox  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse

U.S. Fish and Wildlife Service  
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Attn: Ryan Olah, Cori Mustin, Joseph Terry

Ken Schreiber  
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County Government Center, East Wing  
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EXECUTIVE OFFICER/APCO

August 15, 2011

John Davidson  
Senior Planner, Department of Planning, Building & Code  
200 East Santa Clara Street, 1<sup>st</sup> Floor  
San José, CA 95113

Subject: Envision San José 2040 General Plan Draft Program Environmental Impact Report (PEIR)

Dear Mr. Davidson:

Bay Area Air Quality Management District (District) staff reviewed your agency's Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan (Plan). The Plan is a comprehensive update of the City's current Focus on the Future San José 2020 General Plan, adopted by the City Council in 1994. The City's General Plan is a long-term plan that describes the amount, type and phasing of development needed to achieve the City's social, economic, and environmental goals. The General Plan is the policy framework for decision-making on both private development projects and City capital expenditures.

**Plan Summary**

The Plan's Preferred Land Use Scenario provides growth capacity for development of up to 470,000 additional jobs and 120,000 new dwelling units to be built by year 2035. This scenario would allow capacity for a population of approximately 1,313,800 people, including 839,450 jobs and 429,250 dwelling units in San José. At this level of full development the jobs to employed residents ratio would be 1.3 to 1.

The Preferred Land Use Scenario, compared to the 1994 Focus on the Future San José 2020 General Plan, allows for further intensification of employment in specific urban areas and increased Floor Area Ratios. New residential growth in the Preferred Land Use Scenario is also focused in identified Growth Areas and precludes large scale residential development from occurring on sites outside of these Growth Areas. New residential growth is planned to occur at a minimum of 55 dwelling units per acre (DU/PA), with some allowances for 30 DU/PA at interfaces with single-family home neighborhoods.

The Plan establishes Growth Areas that create a more interconnected city with strong linkages to transit and the Downtown, or to provide additional services to existing neighborhoods through the development of neighborhood villages. These investments would promote transit use and reduce the need for automobile travel while achieving other Plan goals.

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**Comments on the Draft PEIR**

Section 3.4.3.3 *Impacts to Sensitive Receptors from Substantial Pollutant Concentrations* states that the City of San José is currently developing a Community Risk Reduction Plan (CRRP) to address the exposure of residents to toxic air contaminants and PM<sub>2.5</sub> emissions from all sources. The PEIR requires the adoption of a CRRP as a mitigation measure, and until that time site-specific modeling would be required prior to development of sensitive land uses that could be affected by TACs in accordance with District health risk criteria. The District supports this community-wide approach to mitigating emissions and exposure and commitment to site-specific modeling until the CRRP is adopted.

Section 3.15 *Greenhouse Gas Emissions* describes the Plan's approach to reduce the City's greenhouse gas (GHG) emissions. In its Guidelines, the District lays out options for demonstrating consistency with the State's GHG reduction goals, including the 2020 target specified under AB 32, and the 2050 goal articulated in Executive Order S-3-05. The Draft PEIR states that the Preferred Land Use Scenario would result in emission levels below the District's plan-level GHG efficiency threshold of 6.6 metric tons per service population by 2020. However, the Draft PEIR finds a significant cumulative impact from GHG emissions beyond 2020 because the Preferred Land Use Scenario GHG estimates would exceed the State's GHG emission reduction goals for year 2050.

The District's Guidance for developing a "Qualified GHG Reduction Strategy" requires that a community-wide GHG inventory be conducted for a base year consistent with AB 32 (2008 or earlier). The City's Plan includes inventories for the target years of 2020 and 2035, but does not include an inventory for a base year that characterizes existing emissions levels. However, within the Plan's back-up documentation it does appear that the City has collected adequate data for 2008 to fulfill this requirement. The District recommends that the City include a full GHG inventory for year 2008 along with years 2020 and 2035 in the relevant sections of the Plan.

In several instances, GHG reduction estimates have not been developed for measures included in the Plan. The District recommends that the City add quantified estimates of GHG reductions from these measures. Doing so may assist the Plan in reaching the identified GHG reduction target for 2035. The following GHG reduction measures are not quantified in the Plan.

- Green Building Ordinance (BEE-2)
- Green Building Incentives (BEE-3)
- Community Energy Programs (BEE-4), although this is largely an outreach program and so emission reductions should be attributed cautiously
- Increase Density of Development (LUT-1)
- Provide Bike Parking in Non-residential Development (LUT-4)
- Provide Bike Parking in Multi-unit Residential Projects (LUT-5)
- Urban Tree-planting (OM-1)

In a few instances, it appears that the City may have overestimated the reductions anticipated from some GHG reduction measures. In the case of measure BEE-5 (solar power), for example, the City must increase the amount of installed solar power in the City to 100 MW by 2035. This exceeds the current total installed solar capacity for the entire State of California. Measure RWR-1 (wastewater) assumes that 100% of the City's wastewater will be recycled. Because such

large amounts of GHG emissions are estimated to be reduced from these measures, the District urges a cautionary and transparent approach to developing these emissions reduction estimates.

The Plan's implementation strategy identifies lead departments for each reduction measure and annual reporting via the city's Green Vision program. We recommend that the City add text to the Plan stating that, should monitoring efforts find that the Plan is falling short of its goals, the City will add additional mandatory and voluntary measures to the Plan in order to meet the Plan's GHG reduction targets. The District emphasizes the importance of monitoring and implementation of the GHG mitigation measures in the Plan. Ongoing monitoring is critical in order to demonstrate that the Plan is achieving its goals.

Overall, the Plan's commitment to directing employment and residential growth to existing urban areas and creating a more interconnected city with a transit orientation is an excellent example of the kind of development the District seeks to encourage to protect air quality, public health and the climate. The District commends the City for developing a Plan that reflects a strong commitment to climate protection.

If you have any questions regarding these comments, please contact Alison Kirk, Senior Environmental Planner, 415-749-5169. District staff is available to assist City staff in addressing these comments. In addition, the District's CEQA website contains a number of tools and resources to assist lead agencies in analyzing environmental impacts. Available tools can be viewed and downloaded at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>

Sincerely,



Jean Roggenkamp  
Deputy Air Pollution Control Officer

cc: District Director Susan Garner  
District Secretary Ash Kalra  
District Director Liz Kniss  
District Director Ken Yeager

File: 31811  
Various

August 15, 2011

Mr. John Davidson  
Department of Planning, Building, and Code Enforcement  
City of San Jose  
200 East Santa Clara Street, 1st Floor  
San José, CA 95113

Subject: City of San Jose General Plan EIR

Dear Mr. Davidson:

The Santa Clara Valley Water District is a special district with jurisdiction throughout Santa Clara County and is the county's primary water resources agency. The Water District acts as the county's groundwater management agency, principal water resources manager, flood protection agency and is the steward for its watersheds, streams and creeks, and underground aquifers.

The Water District appreciates the opportunity to comment on the Draft EIR for the Envision San Jose 2040 General Plan. This letter highlights key findings, makes policy suggestions and provides specific comments related to the expertise of the Water District: water supply, flood protection and water resources stewardship. We would be happy to meet with you to discuss any of these topics further or to help you locate information that would assist your continued development of the General Plan.

### **Flooding Impacts**

Policy IN-3.1, Action EC-5.18 and Action IN-3.16 propose to increase the design standard of the City's storm drain system from a 3-year event to a 10-year event. Water District analysis of this policy indicates that when the City enlarges the storm drain pipes to a 10-year capacity, the impact to the receiving creeks are significant, not only at the point of discharge, but also to downstream channels. Peak flows in a heavy storm event could increase 10 to 100 percent, depending on the creek, which could result in significant impacts to flooding. The Draft EIR does not address this significant effect. The City will need to adopt mitigation measures in Section 3.7.3.1 (Impact HYD-1) of the EIR and/or additional policies in the Envision San Jose 2040 General Plan to offset this impact. At a minimum a policy should be added assuring that increased runoff from the storm drain system does not exceed the capacity of flood protection facilities. Policies should also reflect the need to coordinate hydrologic assumption with the Water District to ensure adequate master planning of flood reduction infrastructure, creeks that can convey water to the bay, and the City's storm drain system.

Similarly, in Section 3.10.1.3 the EIR discusses the need for a Charcot Avenue pump station to accommodate new development, but fails to address the impact of 480 cfs of discharge to Coyote Creek during a 100-year event in the Flooding section.

### **Strengthen Policies for Avoiding or Minimizing Flood Hazards**

Large areas of San Jose were historically subject to natural flooding. Many of these areas have been protected (up to the 1% event) via flood protection projects (primarily levees, floodwalls, channel modifications, and culverts). However, flooding (both tidal and from creeks) may still occur if a natural event exceeds the 1% design level, and can result from localized street flooding due to storm drain capacity issues, which has also been mapped by FEMA. Understanding the residual risks inherent to homes and businesses protected by levees is an important aspect to evaluating and managing flood risk. Although levees are designed to protect to 1% flood standards, levees are subject to overtopping or failure in larger events. San Jose also includes areas that are subject to inundation under sea-level rise scenarios.

To protect areas from flood damages, cities must make land use decisions to ensure runoff from development or paving does not increase flood flows beyond the design carrying capacity of the creeks, and to support continued funding for development of new and maintenance of existing flood protection infrastructure, primarily levees, floodwalls, channel modifications, and culverts. Throughout the Envision San Jose 2040 General Plan and Draft EIR, there are reference to the Water District as the flood management agency for the county. While the Water District does provide for regional flood protection infrastructure and maintenance, the City has the lead role in flood plain management. The City must assure land uses are appropriately sited, flood hazards to development are minimized, and flood hazards to existing properties are not increased.

The Water District suggests adding in the Flooding Hazards of the General Plan greater discussion on tidal flooding and vulnerabilities to sea level rise in Alviso and north San Jose. Specifically the Water District suggests the following references be added and incorporated into the General Plan, and updated as new projections become available:

- BCDC Bay Plan Amendments on sea level rise
- California Ocean Protection Council's Guidelines for sea level rise

Since 2009, AB 162 requires local governments to revise general plans to address flood risks and to collaborate with local flood agencies to understand and plan for reducing flood risk. It mandates flood risk analysis in four General Plan elements: Land Use, Housing, Conservation and Safety.

- a. Land Use Element - Identify areas that are subject to flooding.
- b. Housing Element - The determination of available land suitable for urban development may exclude lands where the risk of flooding would make it impractical for housing.
- c. Conservation Element – Identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.
- d. Safety Element – Establish goals, policies & objectives to minimize risks from flooding. The following are specified in the legislation:

- 1) Avoiding or minimizing the risks of flooding to new development.
- 2) Evaluating whether new development should be located in flood hazard zones.
- 3) Maintaining essential public services during flooding.
- 4) Locating new essential public facilities outside of flood hazard zones.
- 5) Establishing cooperative working relationships among public agencies with responsibility for flood protection.

The Water District suggests adding policies under EC-5:

- a. Strengthen compliance with the City's Floodplain Ordinance to include Department of Water Resources Model Ordinance Provisions and increase the rating the CRS program;
- b. Confirm with the Santa Clara Valley Water District on the latest versions of flood/inundation maps and require new development and major redevelopment to provide mitigation to ensure that the cumulative rate of peak run-off is maintained at pre-development levels;
- c. Confirm with Bay Conservation and Development Commission and California Ocean Protection Council on latest for Sea Level Rise projections, and curtail development or at a minimum enforce strict guidelines in areas subject to sea-level rise or tidal inundation;
- d. Require setbacks from riparian corridors not only to protect the sensitive ecology of riparian corridors, but also to provide adequate space for future bank repair and maintenance of creeks and levees, and if necessary, improve flood protection projects;
- e. Require setbacks next to levees to minimize property damage in the event of catastrophic failure and to allow for emergency access and potential future levee modifications;
- f. Inform property owners near levees of the risks and assistances in the event of levee failure;
- g. Avoid siting critical facilities in potential levee failure areas;
- h. Support the Santa Clara Valley Water District to develop, maintain existing and new flood protection facilities;
- i. Support regional flood protection efforts, such as South Bay Shoreline Protection when project-by-project mitigation may not be feasible.

#### **Update Dam Inundation Areas**

The Water District has completed a seismic study of Anderson Dam that shows the material at the base of the dam may liquefy in a 7.25 magnitude earthquake on the nearby Calaveras Fault. The Water District has imposed operating restrictions to prevent the uncontrolled release of water after a major earthquake. Water at the reservoir is being kept at least 25 feet below the spillway and 45 feet below the crest of the dam. This increases the total allowed storage capacity of Water District reservoirs to 124,400 acre feet with operating restrictions in place (113,800 acre feet is reported on page 624 under "Local Runoff"). A seismic retrofit project has been initiated to fix the dam. The Water District is currently evaluating the stability of Almaden, Calero, Guadalupe, and Lenihan dams as well.

The Water District appreciates the Plan referencing the inundation maps for Anderson Dam, Almaden Dam, Calero Dam, Guadalupe Dam and Lenihan Dam (Lexington Reservoir). It is important to be aware that the ABAG maps, while very useful, are not the same as the official dam failure inundation maps produced by the Water District. Specifically the Water District suggests the City add references to the current inundation maps for these dams, and emphasize the importance of incorporating new versions of these maps as they are periodically updated following stability evaluations.

#### **Provide Consistent Hydrology Analysis**

Throughout the Hydrology and Water Quality Report (Appendix G) and the Draft EIR the descriptions of water supplies are inconsistent. For example, on page 22 of the Study, it states that water in San Jose can be broken into three categories: groundwater, surface water, and imported water, and that imported water and surface water are treated prior to delivery. Most of the local surface water developed by the Water District and much of the Water District's imported water is supplied to in-stream and off-stream percolation facilities to supplement naturally occurring groundwater (as is mentioned on page 531 of the Draft EIR).

On page 46 of the Study and elsewhere it states that "Below Anderson Reservoir, Coyote Creek flow is diverted for groundwater recharge via the Metcalf Pond and the Ford Road ponds." It is important to note that groundwater recharge resulting from Water District operations such as reservoir releases are not confined to percolation ponds. The Water District manages reservoir releases for recharge within the stream channels as well.

The Study and Draft EIR blur the distinction between the water supplies to the county and the Water District's supplies. The Water District does not control or contract with SFPUC, and the SFPUC cannot be considered a supply of the Water District, although it is an important water supply for the county. The cited source for many of the figures is the Water District's Urban Water Management Plan, but descriptions and labels have been changed incorrectly. Imported water and treated water are not synonymous. Imported water and local surface water can both be treated and distributed to the water retailers; imported water and local surface water can also be percolated to the groundwater sub-basins for later extraction as pumped groundwater.

#### **Update or Incorporate Latest Plans for the Water Supply Availability**

The Water District is dedicated to ensuring a reliable supply of healthy, clean drinking water now and in the future. To do this, the quality and quantity of existing water supply sources, including groundwater, must be sustained and protected. Additionally, water conservation and recycled water use are increasingly important components of the county's water supply portfolio. The Water District appreciates the City's focus on water conservation and water recycling in the Envision San Jose 2040 General Plan.

The Water Supply Assessments from San Jose Water Company and San Jose Municipal Water System assume large increases in water demand over the time frame of the Envision San Jose 2040 General Plan. Much of the future supplies would come from groundwater, recycled water and water conservation. San Jose Municipal Water System expects to increase groundwater pumping from less than 1,000 acre feet per year to nearly 16,000 by 2035; and San Jose Water Company expects to double groundwater extraction from approximately 42,000 acre feet per year to over 84,000 acre feet during the same period to accommodate growth.

The Draft EIR notes that according to the Water District's 2010 Urban Water Management Plan (UWMP) water demands in Santa Clara County would exceed supply in normal rainfall after 2030 and in dry years the Water District would not be able to meet demand without severe water restrictions after 2025. The Draft EIR relies on increased water conservation efforts to ensure there will not be significant impacts to water supply; however it should be noted that

2010 Urban Water Management Plan already assumes significant water saving from conservation. Also, the demands included in the District's 2010 UWMP are based on the demands provided by and used by the retailers in their UWMPs. If the retailer demand projections do not accurately reflect demands associated with Envision 2040, then shortages would be greater than indicated in the District's 2010 UWMP.

Section 3.5.3.8 of the Draft EIR, on indirect impacts to the Bay and Delta Due to Procuring Water Supply, acknowledges the lack of a guaranteed entitlement for increasing water supply and the threat to the Water District's imported water supply due to environmental concerns in the Sacramento Delta. Imported water is not only treated as a direct water supply, but it is also an important component of the Water District's groundwater supply.

Both San Jose Water Company and San Jose Municipal Water System assessments made assumptions about groundwater resources. However, these assumptions have been updated in the latest rounds of 2010 UWMPs for supply sources. The Water District believes that proposed policies need to be more explicit as groundwater supply will play a critical role in Envision 2040's expansion areas. Specifically, the Water District suggests the following:

- a. Actively coordinate with water suppliers to prevent overdraft, and to aggressively protect groundwater resources from the threat of contamination, including preventing saltwater intrusion, assess potential for groundwater and surface water contamination, provide preventive measures for new developments where storm runoff are directed into creeks upstream from groundwater recharge facilities and protect groundwater recharge areas, creeks, and creek sides, from urban encroachment;
- b. Support and contribute to long-term water supply planning and during each major review of the General Plan, confirm (not just coordinate) with water providers (including SFPUC, the District, water retailers) to ensure adequate water supply.

#### **Strengthen Groundwater Protection**

The Water District completed a Groundwater Vulnerability Study in October 2010 to evaluate the vulnerability of groundwater to potentially contaminating land use activities and aid in the protection of groundwater resources. The study indicates that groundwater in portions of the Santa Clara Subbasin is highly vulnerable due to the density of commercial/industrial sites or high recharge rates. Groundwater in the Coyote Valley is highly vulnerable to contamination due to high recharge rates and permeable soils. The study findings and related web-based geographical information system tool can be used to support the City's proposed Water Quality Policy MS-20.2, which relates to protecting groundwater in highly vulnerable areas. The Land Use Element should reflect appropriate land uses within these vulnerable areas.

As discussed above, groundwater will become an even more important source to meet increased demand from growth forecast in the Envision San Jose 2040 General Plan. Both the quality and quantity of water to enter the groundwater basin must be protected. The text of section 3.7.3.2 in the Draft EIR appears to focus on protecting the Water District's percolation facilities from new development, rather than protecting areas throughout key recharge areas.

While a majority of groundwater replenishment comes from Water District activities, approximately 15 percent of the total County water supply comes from natural recharge. This natural recharge takes place in creeks and areas of the County with appropriate soil characteristics to allow water to infiltrate to the groundwater basin. In San Jose this occurs in portions of the Berryessa, Cambrian/Pioneer, Coyote, and Willow Glen Planning Areas (as stated on page 553). With this in mind, it is important that the City interpret Policies MS-20.2 and MS-20.3 to include all areas where groundwater percolation occurs, and not just in, or adjacent to, Water District percolation facilities.

The Water District also notes that the transportation diagram shows new bridges over the Guadalupe River at Chynoweth Avenue and Thornwood Drive. These new bridges are not desirable as they would significantly impact Water District percolation facilities and the Water District needs to be included in the planning for these bridges. Policy MS-20.3 calls for replacement capacity in the event that existing percolation facilities are modified for infrastructure projects. This policy must be made clear to include the Water District in determining the capacity lost and to be replaced in order to maintain necessary ground water recharge. Determining replacement capacity includes critical parameters relative to soil conditions, location relative to the underground aquifer, and availability of water supply sources.

As the Chynoweth Avenue bridge is not included in the recent Almaden Ranch proposal, the disposition of the bridge is not clear. If the bridge is not needed for circulation impacts associated with this project, the nexus for future bridge construction is not apparent. If the bridge is still under consideration, its alignment should be identified so as to place the current project buildings appropriately and minimize impacts to the Guadalupe River and recharge ponds.

#### **Support Stream Stewardship**

The Water District works to protect our watersheds by promoting good ecosystem habitat, stream biology and water quality. A significant factor affecting watershed health is the extent of development within, and adjacent to, riparian corridors. Managing development adjacent to creeks protects the stability of the receiving creeks from storm water, maintains the quality of the water, and minimizes flood hazards.

The *Guidelines and Standards for Land-Use near Streams* were developed cooperatively between the Water District, Santa Clara County, all 15 cities, with citizens, business, and agricultural interests to streamline the permitting process and protect stream and streamside resources. The Water District uses its Water Resources Protection Manual which is based on the Guidelines and Standards as the primary method to protect the county's creeks where a permit is necessary from the Water District. Please note that the Water District's jurisdiction to issue encroachment permits only applies where Water District holds a property interest (either in fee title or an easement); not within 50 feet of a watercourse as stated on page 451.

The City did not adopt the Guidelines and Standards, but determined that existing City guidance and regulation, including the Riparian Corridor Policy, is equivalent. The Riparian Corridor Policy is cited as a factor in reducing a number of potentially significant impacts to a less than significant level, including: natural communities and sensitive wildlife habitat; special status

species; and surface water quality. Given the importance of the Riparian Corridor Policy to protecting the environment, the Water District encourages the City to strengthen the Policy by ensuring that exceptions to riparian buffer requirements are only allowed where a project proponent can definitively show that a lesser buffer is necessary and appropriate.

Setbacks from riparian corridors are necessary to protect the sensitive ecology of riparian corridors, provide an adequate movement corridor for wildlife, provide adequate space to maintain the creeks and levees, and protect surface and ground water quality.

Connection to our rivers and creeks is an important element to the quality of life for residents. The Water District supports creek-side trails where appropriate and the protection of open space that riparian corridors provide. In many cases, open space adjacent to creeks can provide multiple beneficial uses such as recreation and flood protection. However, trails should also be located outside riparian corridors. This could be clarified in trail policies such as PR-7.2 and PR-8.5.

#### **Expand Analysis of Regional Land Use Impacts and Mitigation**

The 2003 General Plan Guideline recognized the importance of viewing the local general plan in its regional context, and the state Legislature has mandated consideration of certain regional impacts in the general plan. The Water District is working with the City on several important regional plans that span a 20-50 year horizon. Please include a discussion of the extent to which the general plan is compatible with other regional plans. The Water District suggests adding a policy to ensure that the city reexamines the general plan when important changes are made in these regional plans or agreements. Here are some examples that could affect or be affected by the General Plan:

- Joint Trails Agreements

The City and Water District approved the *Collaborative Action Plan and Agreement Between the City of San Jose and the Santa Clara Valley Water District for the Development and Operation of Joint Trails Projects* in June 2002. This document sets forth a framework for jointly engage in planning, developing, marketing and maintaining trails and other public recreational features related to those trails.

- Recycled Water Treatment

In February 2010, the Water District and the City of San Jose entered into an agreement that allows for the integration of the recycled water programs at the City and the Water District. The integration agreement promotes cooperation between the two agencies related to the management and operation of their respective recycled water facilities and programs over the terms of the agreement.

- South Bay Salt Pond Restoration Project

The largest tidal wetland restoration project on the West Coast, the goals of the project are to restore and enhance a mix of wetland habitats; provide wildlife-oriented public access and recreation; provide for flood management in the South Bay. When complete, the project will restore 15,100 acres of industrial salt ponds to a rich mosaic of tidal wetlands and other habitats adjacent to the City's service areas on the north.

- The South San Francisco Bay Shoreline Study (Shoreline Study)  
A Congressionally-authorized study lead by the US Army Corps of Engineers together with local sponsors to identify and recommend for federal funding one or more projects for flood damage reduction, ecosystem restoration and related purposes such as public access. The study will examine tidally induced flooding in North San Jose.
- Santa Clara Valley Water Resources Protection Collaborative Resolution of Consensus  
Approved by participating parties including the City of San Jose in Aug. 2004, the agreement was reached to guide cooperative efforts for enhanced water and watershed resources protection.

### **Incorporate Climate Change Adaptation Strategies**

As noted in the discussions regarding flooding, sea level rise, and water supply, climate change is likely to have significant impacts on the City and the region as a whole. Although it is true that the useful life of certain structures and development may be shorter than the period for sea levels to rise and be a threat (page 548), it is usually very difficult and expensive to remove an established use even if it is later within a hazardous zone. Growth without robust adaptation strategies will not support the City's commitment for environmental sustainability. The Water District suggests the City evaluate the vulnerabilities of the City's infrastructures in addition to the Treatment Plant, including but not limited to storm drainage systems, recycled water pipes, pump stations, transportation network and flood protection facilities, and adopt policies for directing an adaptive approach to incorporate best available science and minimizing flood damages, impacts to water supplies, and habitats when reviewing new development. Specifically, the Water District suggests the following, with an emphasis on the City's role in regional solutions for adapting to sea level rise:

- a. Avoid establishing or permitting new development inside future hazard zones if new protective structures would be necessary;
- b. Promote innovate approaches to redesigning coastal structures;
- c. Support statewide and integrated regional water management;
- d. Support expanding water storage and the management of groundwater resources; and
- e. Support for efforts to plan for and adapt to sea level rise, including advocate for regional approach.

### **Factual Corrections**

The following comments are to correct facts and update information contained in the Draft EIR and appendices. There are a number of additional comments that the Water District submitted in previous reviews that have not been incorporated into the Hydrology Report. We urge the City to coordinate review with the Water District and make revisions to ensure a factual report in the General Plan update.

Hydrology and Water Quality Appendix

- On page 17, the District does not review flood protection on all creeks in the County. The Water District provides comprehensive flood management for the County, and the capital improvement program seeks to identify, prioritize, and implement flood protection projects throughout the county.
- On page 22 of the Study there is a statement that "The impact of salt water intrusion to groundwater wells would be most pronounced for imported water sources but may also impact local groundwater wells in northern San José". The meaning of this sentence is unclear.
- On page 34 and 35, the Guadalupe River begins at the confluence of Guadalupe Creek and Alamos Creek in south San Jose and is known as the Guadalupe River for all its length to Alviso Slough.
- On page 59 of the Study and page 531 of the Draft EIR, there is reference to two sub-basins within the Santa Clara Valley Basin in Santa Clara County, the Santa Clara Sub-basin and the Coyote Sub-basin. The Water District previously referred to these as separate sub-basins, but as defined by DWR Bulletin 118, the groundwater sub-basin that underlies San Jose is properly referred to as the Santa Clara Sub-basin, a part of the Santa Clara Valley Basin. The Water District has changed the nomenclature to conform to the DWR standard. The Coyote Valley area and the Santa Clara Plain area to the north are considered the two parts of the Santa Clara Sub-basin. The Llagas Sub-basin is part of the Gilroy Hollister Valley Basin and is not part of the Santa Clara Valley Basin; in fact, it is in a separate hydrologic region.
- Page 61 of the Study states that "All three water retailers and SCWWD use groundwater from the SCVSB as a source of supply". The Water District manages the groundwater sub-basin through direct and in-lieu recharge programs and groundwater protection programs. The Water District does not currently extract groundwater as a source of public water supply.
- Much of the groundwater quality information starting with page 67 of the Study is five to ten years out of date. More current information on water quality is available from numerous sources, including later retailer water quality reports, annual groundwater quality reports and water quality fact sheets on the Water District's website, and from Water District staff. The information on perchlorate in particular is not correct, dating from November 2003 and earlier. The Water District no longer administers the Leaking Underground Storage Tank Oversight Program. MTBE is no longer in use in California; although there remain existing leak sites, it is no longer leaking from underground storage tanks as stated on page 101 and elsewhere.

Mr. John Davidson  
Page 10  
August 15, 2011

Draft EIR

"Dam Failure" on page 531 incorrectly references the failure of dams at two percolation facilities – Coyote Creek and Rinconada.

The discussion in sections 3.7.1.4 and 3.10.1.1 on recycled water should mention the construction of the Advanced Wastewater Treatment Plant.

The Water District is here to assist the City in ensuring that the community is protected from flood hazards and has a reliable and clean source of water. The Water District welcomes the opportunity to work with the City as you continue to develop the General Plan. If you have any questions or need further information, you can reach me at (408) 265-2607, extension 3095 or my colleague, Sarah Young at extension 2468. Please reference File No. 31811 on any future correspondence regarding this project.

Sincerely,

*for*   
Michael Martin  
Environmental Planner  
Community Projects Review Unit

cc: S. Tippets, C. Elias, D. Hook, S. Young, B. Judd, B. Ahmadi, R. Narsim, File

31811\_54297mam08-15



August 15, 2011

John Davidson, Senior Planner  
Department of Planning, Building & Code Enforcement  
City of San Jose  
200 East Santa Clara Street, Tower 3  
San Jose, CA 95113-1905

Project: Draft Program EIR For Envision San Jose 2040 General Plan

Dear Mr. Davidson:

The Santa Clara County Open Space Authority appreciates the opportunity to comment on the Draft Program EIR for Envision San Jose 2040 General Plan and has the following comments:

The Open Space Authority's mission is to acquire and protect a regional system of open space and greenbelts. The Authority is committed to preserving connected habitat to ensure viability of endangered species and to conserve working lands to sustain our agricultural economy.

The Open Space Authority recognizes the proposed Envision San Jose 2040 General Plan provides a vision of future growth, development, and provision of municipal services for San Jose. However, as indicated in the proposed General Plan, implementation will likely result in development of the remaining agricultural sites designated as prime farmland within the Urban Service Area of the City of San Jose. Significant unavoidable impacts are proposed for the loss of this prime farm land and that no reasonable mitigation measures are available to reduce the loss. The Authority encourages the City to consider participation in an appropriate agricultural mitigation plan to mitigate or avoid the loss of agricultural lands.

The Open Space Authority commends the City of San Jose for emphasis on sustainability throughout the proposed General Plan, that include updated policies that ensure that future development in the planned Growth areas will be integrated into the existing urban structure with the least amount of conflict with agricultural uses in surrounding areas as well as addressing reduction to adverse impacts to greenbelt and natural habitat uses along city's edge.

Thank you for the opportunity to comment on the PEIR for the Envision San Jose 2040 General Plan.

Sincerely,

Andrea Mackenzie  
General Manager  
Santa Clara County Open Space Authority

**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5541  
FAX (510) 286-5559  
TTY 711



*Flex your power!  
Be energy efficient!*

August 15, 2011



SCL-VAR  
SCL000204  
SCH# 2009072096

Mr. John Davidson  
City of San Jose  
200 E. Santa Clara Street, T-3  
San Jose, CA 95112

Dear Mr. Davidson:

**Envision San Jose 2040 General Plan – Draft Environmental Impact Report (DEIR)**

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the above-referenced project. We have reviewed the proposed project's EIR and offer the following comments.

***Traffic Impact Analysis (TIA)***

The turning traffic for all studied intersections must include AM and PM peak hour volumes, under existing and proposed DEIR conditions, including but not limited to the iStar and Rancho Del Pueblo residential options.

***Cultural Resources***

The following statement, under section 3.11.1.5 Archaeological Resources (see page 694) as it pertains to the State's right-of-way (ROW), should be qualified as follows with the underlined language, "While it is probable that many of the potential resources, including foundations, wells, privies, and trash deposits, have been impacted and removed as a result of previous excavations for infrastructure improvements and other development activities over the past 100 years, it is unknown what resources remain."

***Sustainable Communities Strategies (SCS) – SB 375***

The DEIR should clarify how the scenarios were determined, particularly the scenarios involving any relevance to SB 375 and AB 32. The DEIR should also clarify for all scenarios whether impacts outside the San Jose Urban Growth Boundary (UGB) were taken into consideration or were only impacts within the UGB analyzed.

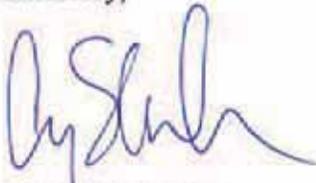
***Pedestrian Safety***

The DEIR should include a map depicting the pedestrian corridors, to accompany the Pedestrian Circulation section (see page 223).

Mr. John Davidson/Envision San Jose 2040 General Plan Update  
August 15, 2011  
Page 2

Please feel free to contact Brian Brandert at (510) 286-5505, if you have any questions regarding this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary Arnold". The signature is fluid and cursive, with the first name "Gary" being more prominent than the last name "Arnold".

GARY ARNOLD  
District Branch Chief  
Local Development-Intergovernmental Review

c: Scott Morgan (State Clearinghouse)

## Davidson, John

---

**From:** Carol [mblues@bashman.com]  
**Sent:** Sunday, June 19, 2011 1:54 PM  
**To:** Davidson, John  
**Subject:** Draft Program EIR

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Hi,

I've been trying to understand how the Draft Program EIR specifically affects my area, SJ City Council District 8. Unfortunately, it appears that this district has been split into 5 different areas for planning purposes. This makes it difficult to understand how my area as a whole will be impacted. Add to that the blurry maps, especially the Legends, which appear in the PDF, and you can see how it could euphemistically be called "challenging."

Specific questions that I'm interested in are:

- 1) How many more homes will be built in District 8?
- 2) What commercial development will be built in District 8?
- 3) Where specifically will these developments be located? I know about the large areas in the hills behind Evergreen Valley College, near Eastridge Mall, and Evergreen Village Square. But if you expect thousands of new buildings, just where else do you expect them to go?
- 4) What community improvements will be added to handle this growth? e.g., new community centers, libraries, sports fields for kids, & parks for adults
- 5) What will compensate the current residents for the increased traffic, noise, police & fire response time, and facility overcrowding (such as schools & parks)?
- 6) What will compensate the current residents for the decrease in water supply (forcing rationing), decrease in open space in our nearby hills, and loss of privacy?
- 7) Are any current owners going to lose their home or property in this plan, such as to allow access for new residents? For example, some of the narrow streets surrounding the former Pleasant Hills Golf Course have houses on either side. In order to widen the road to allow safe passage for new residents, existing homes would have to be removed.
- 8) Is it possible to get maps of your areas that show planned development which are completely legible? This includes the legend & colors shown. Specifically, the planning areas called Alum Rock, Evergreen, San Felipe, Edenvale, & Coyote.

Thank you.

Carol Ashman

**Davidson, John**

---

**From:** Craig Ow [tbxwing@hotmail.com]  
**Sent:** Friday, July 22, 2011 4:53 PM  
**To:** Davidson, John  
**Subject:** File No PP09-011

Regarding the proposed change to the iStar site, would the height limitations be lowered? Previous changes raised the height limits and this was a big mistake. Just take a look at the new server farm building at Hwy 85 and Great Oaks Blvd. For those of us who live on the east side of Monterey Hwy, where we once could see hills on the west side, now we see an ugly concrete wall.

Also if the new plan allows buildings, whether residential or not, to be built at this height right next to Great Oaks Blvd, and the high-speed rail is built, this will be like creating a giant sound wall which would adversely impact the existing residences on the east side of Monterey Hwy. The height limits need to be lowered along Great Oaks Blvd from hwy 85 to Cottle Rd.

Another concern is the traffic impact. The new residential density needs to be considered along with that which is proposed at the Hitachi site. The ramps to Highways 85 and 101 will become even more jammed in the mornings.

Sincerely,  
Craig Ow

## Davidson, John

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Carol Ashman

**Davidson, John**

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Sincerely,  
Craig Ow



Bob Strain, Planning/Zoning Chair  
7160 Echo Ridge Drive  
San Jose, CA 95120

July 26, 2011

Mr. Joseph Horwedel, Director  
Department of Planning, Building, and Code Enforcement  
200 East Santa Clara Street, 1st Floor  
San José, CA 95113

Re: Envision San José 2040 and PEIR

Dear Mr. Horwedel:

In reviewing the current draft of Envision San José 2040 and the draft Program Environmental Impact Report, the board of the Almaden Valley Community Association finds a great deal to recommend the new plan. Some of the particularly strong points are:

- Clearly defining the urban boundaries of San Jose
- Protecting the Mid Coyote Valley and South Almaden Valley Urban Reserves
- Addressing the expansion of jobs within the city of San Jose
- Providing for periodic, serious reviews of San Jose's evolution in comparison with the goals of the General Plan.
- Focusing growth into areas where it can be best supported.
- Using one or more "Urban Villages" as a pilot, because they may not work as envisioned.

The PEIR makes it clear that growing the population of San Jose will have an adverse effect on the quality of life in the city. In fact, the quality of life in San Jose has been deteriorating already, largely because of ten consecutive years of budget deficits. This has created the obvious effects of deferred maintenance on the streets, medians, and parks in the city. It has created libraries that are closed as much as they are open, averaging in the newly constructed, vacant sites. More recently, these deficits have created a probable decrease in public safety because of police and fire lay-offs

Consequently, the focus of Envision San José 2040 on expanding the city's employment base is extremely important. A fiscal analysis of San Jose's existing land usage (prepared by ADR, Inc.) shows that every new job in the city is a net financial benefit to the city, and every new residence is a net financial loss. Keeping job creation as a primary focus is a long term strategy that will enhance the sustainability of San Jose and its quality of life. This general plan correctly reflects that.

Based on Table 8.5-1 in the PEIR, the baseline plan proposes adding 470,000 new jobs over the 30-year horizon of the plan, and it proposes adding 120,000 dwelling units. We find Scenario 1 (It is titled "Low Growth.") very interesting because it adds 88,650 dwelling units over the same time frame. This rate matches the 3,000 DU/year growth that the city has experienced over the last decade. There is no apparent need to expand the housing base faster than the recent pace, and acceleration is bound to be difficult because the amount of buildable land is severely constrained. Housing is going to expand vertically, and the market has not totally embraced that concept, so far. As noted above, each added residence is a net expense in the San Jose budget.

Scenario 1 is probably more realistic, and for that reason it is a better choice than the baseline plan. Scenario 1 calls for adding 346,550 jobs in thirty years, approximately doubling the employment base. The so-called "Low Growth" plan targets a ratio of 1.2 jobs for each employable resident. That is clearly a worthy objective, even though it is slightly less than the goal of 1.3 in the General Plan.

This is where the periodic reviews are extremely important. If the city's employment growth falls significantly behind a rate of 4 jobs per new dwelling unit, the review process should trigger a moratorium on residential construction. (That ratio, 4 jobs/DU, is roughly common to both the proposed General Plan and Scenario 1.)

AVCA has noted that the Association of Bay Area Governments proposes a very different scenario, one in which San Jose continues to act as a dormitory for the balance of the Bay Area. That is clearly not acceptable. Being a bedroom community contributes to the city's structural deficits, and it adds to the average vehicle miles traveled. Bad for the roads. Bad for the air. Bad for the quality of life. Bad for San Jose's sustainability.

There are assumptions in the General Plan concerning the success of mass transit. Like the popularity of high rise living, that cannot be taken for granted. This area developed as car-connected region. A major part of Silicon Valley's appeal to highly educated workers is the fact that if something goes wrong at Company A in Santa Clara, Company B in San Jose has job openings; one's career can progress without selling a house, changing schools, or abandoning friends and neighbors. Since that flexibility is important to the key workers, it must be retained, because companies come here for the highly trained, highly innovative labor force. The flexible connection between Silicon Valley companies and their workers is the local infrastructure, and today that infrastructure is roads.

Consequently, the efficacy of mass transit must also be included in the periodic reviews. At this time, mass transit, bicycles and even car pools represent a small fraction of the overall employment-related traffic.

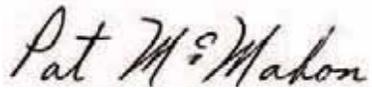
One of the opportunities for relieving congestion lies in telecommunications, which is almost an afterthought in the General Plan. It is addressed in general terms at the end of Chapter 3 in the General Plan. Most of the dark optical fiber has vanished, and IN 6 on page 3-58 stresses localized communication capabilities. To be attractive, San Jose also needs to have data communication freeways, high capacity fiber trunks, switching nodes and server farms. As long as we are human, face-to-face communication will be best, but high bandwidth video conferences are becoming more common and better tolerated because of savings in time and travel. Bandwidth availability across the city will

facilitate more work from home, as well. In fact, work-from-home is a potential bonanza for reducing vehicle miles in San Jose and Silicon Valley.

The Program Environmental Impact Report makes it clear that increasing the population density of San Jose will create unavoidable adverse effects. Key to mitigating those effects is having an economically and fiscally sustainable city. Envision San José 2040 charts a path toward that goal, and for that reason it deserves strong support. The plan needs further buttressing to make sure that its aims are followed. Since expanding housing has been San Jose's easiest growth path in the past, the reviews should be capable of establishing housing moratoria when the dwelling units are out-running job creation, or when they are out-running infrastructure capacity.

Attracting jobs to San Jose at the rates suggested in either the General Plan or in the Low Growth Scenario is a serious challenge. The City Council must examine both the encouragements and impediments posed by the City of San Jose. Wise strategies and skilled execution will be required to bring 12,000 to 16,000 new jobs here every year.

Cordially yours,



Pat McMahon  
President  
Almaden Valley Community Association



Bob Strain  
Planning/Zoning Chair  
Almaden Valley Community Association

Cc. District 10 Council Member Nancy Pyle

**Davidson, John**

---

**From:** LAmes@aol.com  
**Sent:** Wednesday, July 27, 2011 6:09 PM  
**To:** District3; Davidson, John  
**Subject:** PEIR of the Envision 2040 update

(I forgot to include the subject line the first time -- it might not get past your spam filter!)

~Larry

In a message dated 7/27/2011 5:30:48 P.M. Pacific Daylight Time, LAmes@aol.com writes:

1218 Willow St.  
San José, CA 95125  
July 27, 2011

Co-chairs Sam Liccardo and Shirley Lewis  
Staffmembers John Davidson and Andrew Crabtree  
200 E. Santa Clara Street  
San José, CA 95113

re: draft PEIR for Envision 2040

Dear Sirs and Madam,

I am writing to give my personal thoughts and comments on the draft Program Environmental Impact Report for the San José General Plan Update – the Envision 2040 PEIR. I have spoken at a number of the meetings during the Public Comment time, and I have submitted a couple written comments. However, this is the time to give overall comments and detailed corrections, “for the record”.

I have been very impressed by the thoroughness and openness of the Envision 2040 process. A knowledgeable and diverse task force was selected by the City that well-represented the diversity of the community, geographically, demographically, and by occupation and interest. The co-Chairs did a remarkable job at keeping the discussions civil, on-topic, and to-the-point; the City Staff were excellent in their preparations and presentations. There were roughly fifty open-to-the-public working meetings, plus a couple field-trips and several weekend community outreach meetings: we, involved members of the community, had ample opportunities to provide written and verbal comments throughout the process.

The Envision 2040 Task Force has had a monumental challenge: how to plan for the anticipated growth sustainably. It’s as if the entire city of Oakland (or half of San Francisco) were to be added to San José, while staying within the current borders, and doing so without impacting the habitat or damaging the quality-of-life here.

I have followed the various General Plans over the years, and I applaud the change in

emphasis that is apparent in this General Plan Update. The Task Force worked by the mantra “Design a city for cars and you’ll get more cars; design it for people and you’ll get a better city.” I recall that San José’s 1985 General Plan was all about how to move cars faster to the edges of the city; the “Horizon 2000” tried to make the traffic more bearable with development tied to “Level of Service” at intersections; “San José 2020” worked to limit urban sprawl with “the Greenline” Urban Growth Boundary and the concept of in-fill; and now Envision 2040 strengthens the Greenline and aims for a walkable/bikeable city with a reduction in Vehicle Miles Traveled. By concentrating growth in denser village-like nodes along the transit corridors, the plan encourages walking/biking for shopping and entertainment, and transit for the daily commute. In addition, by concentrating the development in limited regions of the city, there is less damage to the riparian habitats, hillsides, and baylands, and also less damage to existing historically-interesting residential districts.

Enough compliments: I do have a couple concerns as well:

- As I have said on a couple occasions, I am troubled by the goal of 1.3 jobs per employed resident. I support the goal to “Shift the focus of the city’s growth to establish San José as a regional employment center to enhance the City’s leadership role”, and I understand the city’s desire to “grow up” and cease being just a bedroom community. I also understand how jobs provide more tax revenue and less of a financial drain than residences. San Francisco has a high jobs:resident ratio: it can do so because it draws in workers by BART and CalTrain from the adjacent Peninsula and East-bay cities. San José, however, is surrounded by Palo Alto, Sunnyvale, Mountain View and Santa Clara, all of which already have high jobs:resident ratios and thus will be unable to provide a large supply of workers to San José. On the east is the Diablo Range, and San José is trying to preserve a greenbelt between it and Morgan Hill to the south: to bring in workers means long commutes from the nearest towns. I feel it is great for the city to plan on being able to accommodate a large number of high-quality jobs (e.g., in the design and manufacture sector and not just in the service industry), but it does not seem environmentally sustainable to plan on encouraging a high level of long-distance commuting. Also, based on past experience, it seems that whenever there are lots of jobs here, the demand for housing increases, driving up the cost, which causes a call for the building of more affordable housing, which in turn lowers the job:resident ratio again.
- There was considerable public input and Task Force support for the “Three Creeks Trail”, which is planned to go along the abandoned Willow Glen Spur railroad corridor. I note that Fig. 2.2-17 does not properly reflect the alignment: it has the trail following a previously considered alignment along Alma Street rather than on the former railroad right-of-way. I have heard that this is just a clerical mistake and that the map will be replaced with an updated version. Nonetheless, for the record: there should be a dotted black line just south of Alma from Minnesota to Senter. Also, is Table 2.2-15 correct in calling for Alma to be converted from 4 lanes to 2-lane multimodal? – I thought it was one of the few designated truck routes.
- As I said during public comment, I wish that Lincoln Avenue would be added to the list of streets under consideration for reduction from 4 to 2 lanes of traffic. It is being designated as the “Main Street” that serves the historic downtown neighborhood commercial district of Willow Glen. While it does have to carry a fair amount of traffic, the current four lanes are not optimally configured: in places one lane is blocked by left-turners, other places the other is blocked by parallel-parkers, and the through-traffic is already effectively a single lane that weaves around the obstacles. If Lincoln were converted to one-lane each way, with a 2-way left-turn middle lane and bike lanes along the side, the traffic would move more smoothly and efficiently, the neighborhood commercial district would better serve the local

community (by being more accessible by bike), and I would predict that the impact on the through traffic would be minimal. (I'd recommend having the 3-lane configuration run the full length from Almaden Expressway to San Carlos, so as to avoid having a lane of traffic peel off into one local residential street or another.)

- Table 2.2-15 lists a new freeway interchange at Senter at I-280, which is also shown in Fig. 2.2-18. I don't recall this ever being mentioned during any of the presentations. I can see how it could help with traffic near "Little Saigon" and Kelley Park, but I wonder how it can be configured so as to not impact the nearby McLaughlin and 11th Street intersections. But the main reason I mention it: the alignment is adjacent to a historic train trestle on the abandoned Willow Glen Spur line. Just north of here, the right-of-way is being planned for "the Five-Wounds Trail", and it would be wonderful for the trail to continue under I-280, across the trestle, and over to Kelley Park. Would the Senter Rd. intersection be compatible with such a trail? (Note: such a trail would provide access to the planned BART station, and would also provide an off-road bypass around a difficult-to-construct segment of the planned Coyote Creek Trail through downtown.)

The saying is "the Devil's in the details", and there is a lot of detail in this PEIR! I'm afraid I've run out of time for reviewing and commenting. However, besides the few points of concern mentioned above, I find that a lot of the details are good:

- I am pleased to see Policy ER-3.1 – ER-3.4 in Section 3.0 on Riparian ("streamside") setbacks. The riparian habitats are vital for the environment. San José has had a Riparian Setback Policy for decades now, but it has just been a "guideline". Sometime it is followed fairly well (e.g., at the Monte Vista project along the Los Gatos Creek or the new complex at Hillsdale on the Coyote), other times the developers seem to "get away with murder" (recent examples include Malone at the Guadalupe or the newly approved "right-up-to-the-edge" project on Guadalupe Mines Road). I hope that, by being part of Envision 2040, the riparian setback policies will be more rigorously implemented.
- I'm glad to see in Table 2.2-18 that an intersection is planned for US-101 at 4th Street. This will tie into an extension of Skyport Drive, providing improved access from US-101 to San José International Airport.
- Figure 2.2-18 shows that the Almaden / Vine one-way pair will be decoupled. This will be very beneficial to the local community. However, unless measures are taken in advance, this may result in more of the Almaden Expressway traffic peeling off on to Lincoln. (This is yet another reason for converting Lincoln Ave. into a "complete" street, so as to avoid having the Almaden/Vine improvements adversely affecting an adjacent community!)
- And I especially appreciate the passage starting on p. 126 that lists the "basic objectives" for the policies and goals: they are wonderful!

Congratulations on completing this significant step in the long and thorough process of updating the General Plan!

Dr. Larry Ames

cc: Planning: Joe Horwedel and Laurel Prevetti  
Councilmember Pierluigi Oliverio, D6



## Davidson, John

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**From:** Hosler Robert [bob.hosler@att.net]  
**Sent:** Wednesday, July 27, 2011 9:30 AM  
**To:** Davidson, John  
**Subject:** Rancho Del Pueblo Golf Course Destruction

Dear Mr. Davidson

Please add me to the list of people who support the maintaining of the Rancho Del Pueblo golf course. There are already homes in this area that aren't selling and just adding more is counterproductive for everyone but developers. There is no other facility like this in east San Jose (short, 9-hole golf). Many of us (seniors) who do not have the time or energy for 18 holes, rely upon this facility to get us outdoors and provide a place for our exercise and social contact...both beneficial to our health. Once this is gone, it will be cost-prohibitive to recreate elsewhere. It would be much easier to provide housing at another site without sacrificing the health of the community. In addition to the seniors using this course, many children also use it with parents or mentors teaching them to game of golf. This is very important to the youth of the community as the city seems intent on closing many of the few places still available for their recreation.

Thank you for your time,  
Robert Hosler



Land Services, 111 Almaden Blvd., Rm. 814, San Jose, CA 95115

July 27, 2011

City of San Jose  
Department of Planning, Building and Code Enforcement  
200 E Santa Clara St., 1st Floor  
San Jose, CA 95113  
Attn: John Davidson



RE: Review of Notice of Availability (NOA) of Draft Program Environmental Impact Report (PEIR)  
Project: Envision San Jose 2040 General Plan  
Citywide- San Jose

Dear Mr. Davidson,

Thank you for the opportunity to comment on the Notice of Availability (NOA) of Draft Program Environmental Impact Report (PEIR) for the above project. PG&E has the following comments to offer:

PG&E owns and operates gas and electric facilities located within the project area. To promote the safe and reliable maintenance and operation of these utility facilities, the CPUC has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, planners and project proponents should coordinate with PG&E early in the development of their project. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocations require long lead times and are not always feasible, developers should be encouraged to consult with PG&E as early in their planning stages as possible.

We would like to note that expansion of utility facilities is a necessary consequence of growth and development. As development occurs, the cumulative impacts of new energy load growth use up available capacity in the utility system. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substations and building new substations and interconnecting transmission line. Comparable upgrades or additions would be required for our gas system as well.

We recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments, and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

Please note that continued development consistent with your General Plan will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions to the facilities that supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

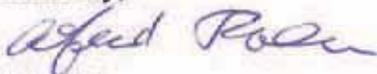
We would like to recommend that environmental documents for proposed project include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve the future developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with the California Environmental Quality Act (CEQA) and reduce potential delays to the project schedule.

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

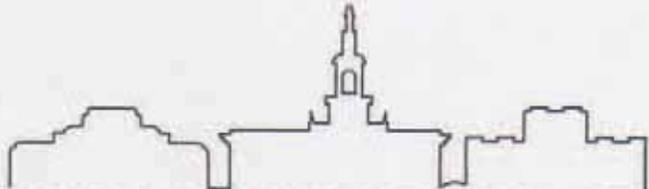
We would also request that we be copied on future correspondence regarding this subject as this project develops and that we be placed on the list to review the Final Environmental Impacts Report (FEIR).

Should you require any additional information or have any questions, please call me at (408) 282-7544.

Sincerely,



Alfred Poon  
Land Rights Services  
South Coast Area



# PRESERVATION ACTION COUNCIL OF SAN JOSE

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*Dedicated to Preserving San Jose's Architectural Heritage*

July 28, 2011

John Davidson, Senior Planner  
Department of Planning, Building and Code Enforcement  
200 E. Santa Clara Street  
San Jose, CA 95113-1905

Dear Mr. Davidson,

The Preservation Action Council of San Jose (PAC\*SJ) is pleased to have this opportunity to comment on the Envision 2040 Environmental Impact Report. Our comments are generally confined to Section 3.0 - 3.11 Cultural and Paleontological Resources.

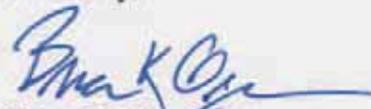
The *Summary of Impacts and Mitigation Measures* does not include any "Significant Unavoidable" impacts for Cultural or Paleontological resources. That is because the premise of the Envision 2040 EIR is that the proposed plan will be "self-mitigating since it incorporates policies and actions to implement the identified mitigation and avoidance measures for future projects that are consistent with the General Plan" (Page 134). This premise will be true as long as proposed development is consistent with the adopted 2040 General Plan and all of the policies contained in Section 3.11 are implemented.

However, successful protection of historic resources will also require the completion of the City's Historic Resources Inventory. The EIR admits that the Inventory is incomplete and that this EIR only deals with "identified" or "known" resources, and there is "much that is not known" (Page 694). That is an inadequacy in the EIR that cannot be corrected until all of the cultural and historic resources have been successfully identified. The EIR emphasizes that the City needs to identify the resources and funding to complete the Historic Resources Inventory. PAC\*SJ strongly supports this recommendation.

The Envision 2040 General Plan contains a number of policies to protect cultural and historic structures, districts and archeological areas. It also contains a number of policies that will require those protections as the proposed Urban Villages are created. To the extent possible, and absent specific proposed developments, the EIR has examined the impacts of those policies.

Thank you for the opportunity to comment on the Envision 2040 EIR.

Sincerely,



Brian K. Grayson  
Executive Director

# California Clean Energy Committee

July 28, 2011

Mr. John Davidson, Senior Planner  
Department of Planning, Building, & Code Enforcement  
City of San José  
200 East Santa Clara Street, Tower 3  
San José, California 95113-1905

Re: Comments on Draft Program Environmental Impact Report  
Envision San José 2040 General Plan  
(SCH # 2009072096)

Dear Mr. Davidson:

This letter will constitute comments by the California Clean Energy Committee on the Draft Program Environmental Impact Report for the Envision San José 2040 General Plan (EIR).

The California Clean Energy Committee is a California non-profit corporation headquartered in Davis which seeks to promote energy conservation, greenhouse gas reduction, and the development of clean-energy resources throughout California. It actively supports the application of the California Environmental Quality Act (CEQA) to energy conservation and related project impacts.

Over 90 individuals in the San José area have joined the Committee's campaign to request that that City incorporate robust energy conservation and environmental stewardship into the new general plan.

All notices regarding this project are requested to be sent to 3502 Tanager Avenue, Davis, California 95616-7531. Please feel free to contact the undersigned for additional information.

While we recognize and commend the City on its admirable leadership on environmental issues, a careful review of the proposed general plan shows that a focus on fiscal issues threatens to divert the City from its environmental goals. To accept such a perspective would be especially unfortunate in a programmatic EIR that resolves fundamental planning issues and then obscures them from public view for years.

The recurring theme of the environmental review is that to achieve fiscal sustainability, the City must adopt economic development policies that will transform it into a commuter hub. The plan seeks to have 1.3 jobs for every employed resident. Many more employees would have to commute into San Jose causing increased traffic congestion and a host of negative impacts.

Mr. John Davidson, Senior Planner  
July 28, 2011  
Page 2

For decades planning that prioritizes municipal revenue generation has been widely criticized as the "fiscalization of land use." The California Planning Roundtable has called it "irrational planning" and described it as a process where "local governments no longer seek balance in their land-use planning policies but rather seek to defeat their neighbors in a 'win/lose' game of fiscal land use planning."

The City has sought to lessen the deleterious effects of this approach by applying a number of remedies developed by scientists and researchers over the past decade to wean our civilization from its suffocating dependence on petroleum. But the EIR shows that these remedies have not been enough to stem the tide of new pollutants streaming from the proposed plan.

The effect of the new plan is to exhaust these crucial conservation tools on a set of newly-created transportation problems leaving the City's efforts to implement its Green Vision crippled. Similarly, this plan defeats an array of statewide and regional policies that rely on these mitigation tools to roll back systemic dependence on petroleum-fueled transportation. (EIR at 19.)

Nor would this expenditure of critical conservation strategies generate the anticipated benefits. The infrastructure and ancillary services required to support an expected two million more miles of vehicle travel per day are certainly not without cost to the city, but these costs have been ignored in the analysis.

As is almost always the case with plans of this sort, the City has no source that would provide the necessary financing nor an available plan to deal with the increased traffic congestion that this plan would generate. (EIR at 283, 287, 291.) Beyond the lack of capital funding, the City is currently accumulating a road maintenance deficit at the rate of \$20 million dollars per year. And Caltrans is currently falling behind on maintenance at a rate \$4 billion per year statewide with no help in site. With increased vehicle efficiency standards, gas tax revenues per vehicle mile will become increasingly inadequate.

New traffic problems and fiscal problems are thus being layered onto the serious ones that already exist. The plan is, quite literally, creating new transportation problems at a faster rate than it can resolve them and exhausting a host of crucial mitigation strategies in the process. The City should consider what will be the full financial cost to support an additional two million miles of vehicle travel per day.

And the unexamined financial consequences do not stop with the City itself. According to the U.S. Department of Transportation, owning and operating a vehicle in 2009 cost the typical consumer \$0.57 per mile. Recent data shows San Jose to be number one in the nation for average monthly consumer expenditure on gasoline. What is the sense of expecting the public to engage in the wasteful burning of more gasoline only so the City can reap a small percentage as tax revenue? Does that represent sound public policy?

For ABAG the answer has clearly been in the negative—

In the Bay Area, as in many metropolitan areas, cities with employment centers have historically planned for insufficient housing to match job growth. This lack of housing has escalated Bay Area housing costs. Unmet housing demand has also pushed housing production to the edges of our region and to outlying areas. San Joaquin, Stanislaus, and San Benito counties have produced much of the housing needed for Bay Area workers. People moving to these outlying areas has led to longer commutes on increasingly congested freeways, inefficient use of public transportation infrastructure and land. Negative impacts on health, equity, air quality, the environment and overall quality of life in the Bay Area also result.

(Housing Needs Plan 2007-2014 at 26.) The policies that the City proposes not only increase transportation costs, they also escalate housing prices.

The City should adhere to the goals in the San Jose's Green Vision, which states that within 15 years the city "must reduce reliance on single-occupant vehicles," "reduce per capita energy use by 50 percent," "divert 100 percent of the waste from our landfill," "adopt a General Plan with measurable standards for sustainable development," and "receive 100 percent of our electrical power from clean renewable sources."

It is submitted that local government agencies at the least should not create new transportation problems through their economic development strategies and that with the enviable economic advantages already existing in San Jose, the City's EIR can and must explore alternative routes to its economic goals. For the reasons set forth below in more detail, the EIR should be revised and recirculated.

#### 1. Energy Conservation

The energy threshold adopted in the EIR was not used in the evaluation of the impacts. The EIR should contain a quantitative baseline and a quantitative significance analysis for each energy impact supported by substantial evidence.

The City has concluded that its land use plan will increase per capita VMT. Consequently, per capita use of transportation fuels will increase as a result of the land use plan causing a significant impact on per capita energy consumption that should be analyzed and mitigated.

The EIR should evaluate the environmental impacts connected with the energy resources that will be relied on including the impacts connected with the transmission and delivery of energy. It should consider the environmental impacts of relying on volatile petroleum markets for transportation fuels. Particular attention should be given to the impacts of expanded reliance on coal-fired power and fracked natural gas imported by PG&E. Eighteen percent of PG&E's power is produced by coal-fired plants.

The energy suppliers that the city currently uses, local and remote, should be identified along with their emissions profiles, fuel source, energy efficiencies, environmental record, transmission and distribution facilities, and function in the system, e.g., baseload, peaker, etc.

The EIR should quantify energy efficiencies by amount and type of fuel and by usage including transportation, sewage treatment, refuse disposal, water supply systems, and other major categories. Each sector should be evaluated both for potential energy recovery and energy efficiency opportunities.

Potential renewable energy supplies should be identified and evaluated including solar, small and large wind, ocean power, biomass, biogas, cogeneration, and small-scale hydro.

Since urban development has considerable potential to restrict the development of renewable energy resources, local resources should be mapped and the potential constraints on implementation of them identified.

Data regarding major natural gas users should be evaluated to identify cogeneration opportunities. The EIR should implement a boiler retrofit program to provide baseload cogeneration.

The mitigation potential of renewable resources should be quantified and included in the mitigation. Any conclusion that renewable resources will not be feasible should be supported by substantial evidence. Feasibility should be based upon a complete comparison of the life cycle costs of generation and efficiency technologies.

The EIR should evaluate the secondary impacts of permitting further investment into fossil-fuel dependent projects and outdated energy distribution technologies and infrastructure. Such projects impact the overall interoperability of generation, storage, and demand regulation technologies and impose high retrofitting costs on utilities, government agencies, consumers, businesses and landlords. Energy efficiency and clean energy generation can be installed at greatly reduced costs during project implementation.

The EIR should reflect a comprehensive analysis of energy efficiency opportunities addressing both efficacy and feasibility issues and addressing feasible implementation strategies.

Particular attention should be given to mandating installation of proven and cost-effective solutions such as rooftop solar photovoltaic, ground source heat pumps, demand response, energy management systems, home energy monitors, microgrid technology, advanced solar thermal water heating, passive solar design, cogeneration, absorption chillers, and energy education. Performance standards should be identified and mitigation should be made enforceable.

The general plan should require quantitative energy analysis from project proponents and establish a net-zero threshold at this time for energy causing all projects with potentially significant

energy impacts to scientifically evaluate, report on, and implement feasible energy efficiency measures, renewable generation, and storage.

The EIR should call for a community choice aggregator (CCA) or a municipal utility district so that residents and commercial enterprises can decide whether to purchase electricity from fossil-fuel resources or to purchase energy from renewable energy providers. A CCA maximizes the local tool set for energy conservation and makes tax-exempt financing available for conservation goals. It provides regulatory authority to implement effective storage and to adopt feed-in tariffs.

The EIR should require the city to petition the CPUC to become the administrator of the public goods charge funds for energy efficiency to insure that those funds are used efficiently for local energy programs.

The EIR should quantify line-loss and ecosystem impacts that result from reliance on remote power generation and long-distance transmission systems and mitigate those impacts by implementing distributed generation.

The EIR should evaluate and mitigate peak energy demand through storage technologies, fuel cells, demand side management, solar power, and smart grid technology.

Provisions should be made for alternative energy infrastructure for freight and passenger modes including biodiesel, electric, biogas, CNG, and hydrogen systems as applicable including a network of fast-charging facilities for electric vehicles. The EIR should evaluate the facilities and capacity for recharging of electric vehicles. Regulations should require that homes be EV-ready and that apartments provide for electric vehicle charging.

The EIR should quantify the potential energy savings from efficient transportation modes such as rail, transit, street cars, electric vehicles, bicycles, car-pooling, neighborhood electric vehicles (NEVs), etc. Congestion charges and privatization of public parking structures should be adopted as mitigation for energy impacts.

The EIR should quantify and evaluate the potential for using waste methane from the city's waste-water treatment systems and the solid waste stream. The EIR should evaluate potential energy savings the city could achieve through ordinances that prohibit wasteful and inefficient packaging. Energy conservation gains through recycling efforts should be evaluated quantitatively and feasible benchmarks established in order to insure that the environmental and economic benefits of energy conservation are achieved.

The EIR should evaluate the potential for retrofitting renewable energy resources and energy efficiency to existing residential, industrial, and commercial properties. The EIR should consider streamlining permitting and zoning regulations for energy efficiency measures and distributed

generation. Feasibility should be determined in light of lifetime energy costs, the available incentives, and financing programs. ([www.dsireusa.org](http://www.dsireusa.org).)

The goals and objectives of the city's Strategic Energy Plan should be incorporated as energy efficiency or, in the event that components of the Strategic Energy Plan are not deemed feasible, it should be adopted insofar as possible the reasons and support for not implementing them further provided. The EIR should provide milestones and reporting for the implementation.

## 2. Transportation

The EIR reports that the city is now served by a wide range of public transit options (EIR at 218) and that 50 % of the population lives within convenient walking distance of transit (EIR at 216). Yet transit use is strikingly low. Only 4% of commuters in San Jose use transit according to the EIR. The percentage of drive-alone trips in San Jose has increased since 2000 (EIR at 197). GHG emissions from transportation considerably exceed the Bay Area average. (EIR at 782.) Despite being the third largest city in California, transit usage is 20% lower than the statewide average. (EIR at 197.)

The City now proposes to layer on a plan that would increase automobile commuting. (EIR at 269.) It attempts to downplay the impacts citing "mixed and intensified" land uses along transit corridors. Yet this solution admittedly has not worked in the past in San Jose. The proposed mitigation is to a large degree a continuation of past measures which have been notably unsuccessful. The EIR should identify the causes of the poor record of transit in San Jose and demonstrate that the causes have been addressed so that different results can be expected under the proposed plan.

The proposed plan would increase per capita VMT by 10% raising it from 14.62 VMT per service population to 16.08. (EIR at 752.) The EIR concludes this is a substantial impact, yet no mitigation is discussed or proposed beyond that incorporated into the plan. (EIR at 269.) Because the policies and goals proposed in the plan are unenforceable, unfunded, and vague, they cannot be trusted to mitigate impacts. The impacts could be considerably worse. The mitigation should be designed in a way that the public is assured that it is effective and enforceable. The EIR should develop measures to reduce VMT as provided in the City's Green Vision. (EIR at 376.)

The plan should discuss the impacts and mitigation that will occur if federal transit funding is further reduced as is now being proposed or if local funding for transit is not sufficient. The plan mitigation is dependent on transit funding which is quite uncertain.

The EIR states that the ratio of jobs located near transit will decline due to plans for growth in areas where transit has not been proposed. This fails to mitigate adverse impacts to transit and to VMT.

The EIR finds no impact to mode share apparently because of hoped for increases in transit ridership. (EIR at 269.) The analysis asserts that expanded BART service will result in 198,000 boardings by the San Jose service population. Transit should be planned to all areas where there are plans for new growth and the EIR should specify that project-level review of mode share impact will be required. Or density should be moved closer to light rail adjusting for potential impacts related to density. (EIR at 375.)

The explanation of transit impacts contains an apparently mistaken references to Table 3.2-12 and to "policies, plans and laws described below." (EIR at 275.) Those materials appear to be inapplicable to the mode-share impact analysis. Also, the Emergency Evacuation Plan is not located at the referenced web address. (EIR at 237.)

The EIR indicates that project-level transportation analysis on local projects now relies on a traditional level of service analysis. (EIR at 209.) The EIR should be amended to make clear that VMT and mode share analyses are required for all modes.

The mode share analysis should include potential impacts on neighborhood electric vehicles, bicycles, and pedestrians. (EIR at 209, 223-228, 238, 269-275.) Mode splits and travel times should be established to ensure times are minimized and that the walking or biking experience is comfortable. The EIR should evaluate bicycle level of service (LOS) on all road segments. Safe routes to school should be planned for each school. Impacts to cycling include factors such as vehicle parking, curb lane width, traffic volume, signalization, presence of a bike lane, design of the street network, large truck volume, vehicle turning, barrier effect, traffic calming, bike parking, and vehicle speeds. Desired speeds for each mode should be considered in the evaluation.

The plan will have considerable impact on CalTrans facilities, County expressways, and roadways in adjacent cities. (EIR at 287-291.) It should mitigate these impacts by including a program that requires developers to contribute to a regional transportation impact fee used for transportation projects or to projects in adjacent cities for affected routes or that the City develop an appropriate transit-subsidy program funded by new projects.

The transportation analysis has not taken into account all of the existing rail assets in the city and their current status or considered the impact of the project on the abandonment of rail facilities. The multimodal analysis should consider the impacts of the general plan on the preservation and revitalization of all rail corridors, whether in use or abandoned. (EIR at 217, 220-222.)

The EIR should consider opportunities for mitigation and multimodal impacts in connection with the San Francisco Bay Area Regional Rail Plan.

The transportation impacts should be mitigated through subsidies for sustainable modes, congestion pricing, performance price curb parking, parking and road rebates in the form of cash or coupons for commuters and shoppers who use transit, road pricing, adopting traffic analysis guidelines for multi-mode impacts and VMT impacts and internal/local capture, providing credit

for demonstrated internal or local trip capture, and privatizing public parking structures or otherwise increasing parking fees toward market rates. The alternatives analysis and the fiscal discussion should consider increased revenues from all aspects the transportation system including the investment of parking revenues in urban redevelopment on the Old Pasadena model.

Automobile transportation is heavily subsidized. Studies have concluded that the subsidy per car per year is between \$2,185 to \$4,220. Put differently, there is a government payment ranging from \$5.21 and \$10.07 per gallon of gasoline used to encourage people to drive. The subsidy has a significant impact on transportation choices. The proposed general plan would expand roadway capacity relying on this financing model, rather than a pay-your-own-way model for motor vehicles. Consequently, the plan encourages increased VMT and drive-alone share. The EIR should recognize that the motor vehicle facilities that it proposes are subsidized facilities, not pay-your-own-way facilities, and it should evaluate the extent to which subsidies contribute to greater use of the system and the environmental impacts.

VMT growth is considered on a per capita basis apparently to factor out natural population growth as a cause of increased vehicle travel that is not attributable to a plan or project. (EIR at 257-269.) This is a flawed approach for several reasons. First, it is apparent that a similar approach is not used in air quality analysis.

Second, it fails to recognize that as population grows, people will adopt modes that are made available to them. Providing increased roadway capacity to new drivers and new residents, as opposed to sustainable modes, causes a growing population to use motor vehicles more. Per capita VMT analysis ignores the significant impact of providing more road capacity to a growing population.

Third, where a plan seeks to stimulate growth, as is the case with the City's general plan proposal, growth is not entirely the result of natural trends. In part, growth is a purposeful consequence of the plan. Treating the growth in VMT solely on a per capita basis overlooks the fact that the plan is in fact causing more people to move to the area and to drive in the area. The EIR should either modify its per capita analysis to recognize these factors or use gross VMT in the analysis.

The ultimate conclusion of the EIR, that in order to have a fiscally-sound city, vehicle miles travelled (VMT) per capita must increase, is not supported nor are any alternative means explored for improving the City's fiscal prospects. The EIR should consider the amount of public money that will be spent on expanding roadway capacity and the amount of money that will be spent by commuters who use that system. It should then consider whether that amount could be used in a more environmentally-responsible way to attract business development through economic stimulus programs or business recruitment efforts or parking district programs.

The EIR concedes that the VMT increase is the primary cause of the adverse environmental impacts of the plan. (EIR at 19.) This represents a policy that is at odds with both the city's historic commitment to environmental stewardship and with both state and regional policies which call for the reduction of VMT. Other cities, such as Portland, Oregon, have been able to sustain a robust economy while reducing per capita VMT.

### 3. Jobs-Housing Balance

The City proposes to adopt a plan that would exacerbate the jobs-housing imbalance. (EIR at 776.) The EIR states that it is "very apparent" that plans such as this one "significantly contribute to several of the primary impacts of concern in the region." (EIR at 761.) It projects that approximately 109,000 housing units would be required elsewhere in the region for individuals employed in the city. (EIR at 773.)

The housing element should make adequate provision for housing over the lifetime of the plan. The EIR does not justify the assumption that housing growth will occur as projected for Horizon 1. Housing prices in the city would be out-of-reach for most families.

The plan to increase the number jobs to employed-resident ratio (J/ER) to 1.3 conflicts with SB 375 which requires that housing units be allocated consistently with the jobs-housing balance in the regional transportation plan. Housing can no longer be transferred out of the region. Areas sufficient to house all employed residents should be identified.

The EIR should evaluate the general plan for consistency with the Plan Bay Area Initial Vision Scenario released in March, 2011, and with the Blueprint process. ABAG and MTC sustainability planning has relied on employment distribution in the Bay Area remaining comparable to previous forecasts and has projected 250,420 new jobs and 130,498 new households by 2035 for San Jose. (Initial Vision at 34, 38.) Envision San Jose 2040 would double the number of new jobs to 470,000 and reduce new dwellings to 120,000. (EIR at 772.) And the Initial Vision is still considerably short of meeting the regional 15% reduction goal for CO<sub>2</sub> from cars and light trucks as well as other regional goals. (Initial Vision at 41.)

The EIR should also consider the secondary impacts from a general plan that is inconsistent with the sustainable communities strategy. Given that federal law requires that the regional transportation plan be internally consistent, transportation investment must align with and support the land use pattern in the sustainable communities plan and would not allow funding for transportation systems serving San Jose.

CARB has adopted 7% reduction by 2020 and a 15% reduction by 2035 in per capita GHG emissions from passenger vehicles for the Bay Area to be achieved through VMT reductions implemented in the local land use and transportation planning processes. (EIR at 233, 785.) Since the

San Jose plan calls for a 10% increase in VMT, it renders compliance with SB 375 impossible. (EIR at 807.)

SB 375 requires each region to set targets for housing growth over a 25 year period that accommodate population growth by income level. Clearly the plan does not achieve those objectives and thus it precludes the region from attaining that objective.

Similarly, the plan puts the city on a trajectory that makes it impossible for the city to comply with Executive Order S-3-05, which requires that GHG emissions be reduced to 80 percent below 1990 levels by 2050.

#### 4. Agricultural Impacts

The EIR should mitigate to the extent possible the significant impacts to agriculture. (EIR at 179, 845.) Farmland mitigation should require implementation of conservation easements at a 2:1 ratio. Conservation easements should be required on land of equivalent farming value that is under threat of conversion. The easements should be pre-approved and held by an organization with an established record of responsible agricultural land stewardship or a new organization should be established specifically for that purpose in Santa Clara County. The farmland mitigation should provide a long-term endowment for stewardship and enforcement sufficient to assure monitoring and management of the easements in perpetuity. In the event of termination of the organization, conservation easements should revert a similar organization. The easements should promote large contiguous blocks of land that provide farmland value, habitat value, and serve to define urban form.

#### 5. Greenhouse Gas Emissions

The EIR should contain a thorough discussion of the impacts of climate change including matters such as health impacts, desertification, sea level rise, ocean acidification, species loss, heat-related illness, tipping points, water supply impacts, air quality impacts, agriculture and food supply impacts, severe weather and flooding, droughts, forest impacts, etc. The EIR should provide a complete discussion of the time constraints involved with the issue, the current path of emissions growth, and the related consequences.

CO<sub>2</sub> emissions taken in isolation have few if any direct impacts because CO<sub>2</sub> is not a toxic gas. GHG emissions are a proxy for a wide range of secondary impacts which must be discussed to make the GHG data meaningful to the public and decisionmakers. It should discuss the projected impacts at current levels, at 450 ppm, at 550 ppm, and higher. It should discuss when these levels are projected to occur and why. The EIR should discuss the widely-documented secondary impacts of increasing GHG concentrations. (EIR at 778.)

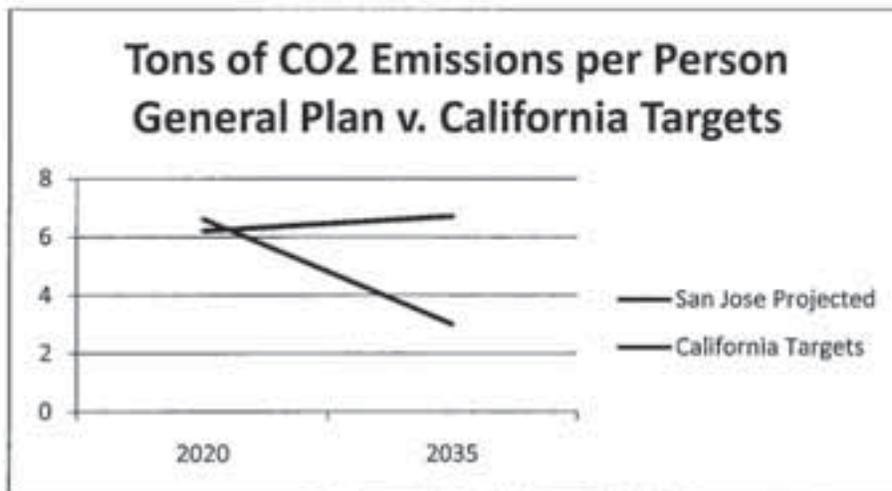
AB 32 does not constitute a plan or program or regulation containing specific requirements that would avoid the cumulative GHG problem. Nor will AB 32 will reduce cumulative climate change impacts to a level that is not considerable. AB 32 relies on a business-as-usual baseline, rather than existing conditions. (EIR at 795.) AB 32 does not provide a threshold for local GHG emissions. A cumulative impact analysis should be done based upon current conditions.

The mitigation proposed in the EIR should not be accepted as being sufficiently supported, measurable, or enforceable. General plan goals do not constitute mitigation because they are not verifiable, effective, enforceable, or proportionate to the impact.

Throughout this comment letter a number of mitigation measures have been identified that should be adopted to fully off-set GHG impacts. Additional potential measures include carbon credits, forest conservation projects, increased funding for transit service, increased funding for biking and pedestrian infrastructure, subsidies for sustainable energy projects, increased development of on-site energy and storage resources, employee transit incentives, public education programs, a transit network serving all new development, car-sharing programs, SOV reduction programs, support and infrastructure for electric vehicles, on-line ride matching, etc.

It should be made clear that individual projects consistent with the general plan must evaluate and mitigate GHG emissions at the project level.

The comparison to California GHG goals shows that rather than starting to reduce per capita GHG emissions, the proposed general plan will continue to increase GHG emissions. The plan puts the city on a course to be emitting more than twice the amount allowed under the state targets. (EIR at 802.) Increasing emissions is clearly inconsistent with the City's Green Vision. The baseline period data was not provided in the EIR and does not appear in the chart. The upper line represents projections for San Jose, and the lower line represents the California targets



As the following table shows, based on data in the EIR, the projected GHG emissions in 2035 could be reduced if the City would simply eliminate some of the proposed changes its general plan.

Million Tons of CO2 Emissions		
	2020	2035
Proposed Plan	10.30	14.50
Old Plan	8.90	11.00
Increase	16%	32%

(EIR App. K-1 at 1.) The plans and policies in the old general plan provide a list of feasible mitigation measures for the significant impact to GHG emissions. The EIR should evaluate each of the plans and policies in the existing general plan for mitigation of the significant impacts.

The EIR also conflicts with the policies adopted by the City Council on January 12, 2010, which require the general plan to achieve 20 percent below 2005 levels by 2020 and 50% below 2005 levels by 2035. (EIR at 788.) If those goals are not feasible, it should be demonstrated why.

The EIR should make a significance determination with respect to the conflict with SB 375. Increased VMT clearly conflicts with the SB 375 targets set for the Bay Area by the RTAC. (EIR at 807.)

## 6. Alternatives

The proposed plan would result in a jobs-to-employed-resident ratio (J/ER) or 1.3 to 1 making San Jose an employment destination for commuters and increasing the city's tax revenues at the expense of other jurisdictions which would then have the problem of "more housing than jobs" that San Jose seeks to escape. (EIR at 19.) This results in regional transportation problems and environmental impacts for which there is no known solution according to the EIR.

The EIR offers five alternative scenarios, all of which fail to meet the city's over-riding fiscal objectives. Scenario 1 "would not support the degree of employment growth sought." (EIR at 23.) Scenario 2 "does not . . . support the amount of employment growth sought." (EIR at 24.) Scenario 3 "would not fully meet the City's objectives regarding fiscal sustainability." (EIR at 25.) Scenario 4 should not have been evaluated. It only serves to make the environmental impacts worse. (EIR at 25, 865.) Scenario 5 results in virtually identical VMT and "would not support the regional employment objectives to the same degree as the proposed project." (EIR at 26.)

The City clearly sees fiscal benefits of becoming a commuting hub and is not interested in a lower J/ER ratio than 1.3 for that reason. None of the alternatives is feasible because none would meet

the city's fiscal objectives. Five alternatives that all fail for the same reason is not a useful analysis.

The city should consider alternative methods to invigorate the local economy in place of land use designations that result in costly driving, traffic congestion, and adverse environmental impacts. Among these are increased rail transit which drives transit-oriented development, congestion fees, privatization of parking, increased taxes, reducing city services, or subsidizing businesses that will locate in the city. The EIR should explore an alternative where greater investment in redevelopment and infrastructure is directed toward redevelopment areas in order to increase the city's economic competitiveness, e.g., Old Town Pasadena, rather than policies that impact prime farmland.

Another useful alternative to consider would be a transit alternative that goes beyond the policies in the general plan and combines increased investment in the local economy and reduced investment in foreign oil. This could be combined with an alternative that capitalizes on the economic development potential of clean energy projects. Alternatives that link economic development to energy conservation, rather than sacrificing environmental goals for a short-sighted vision of economic development, must be explored if the City's Green Vision is to be taken seriously.

The EIR should produce a quantitative and supported financial breakdown showing the size and the use of the revenues it expects to generate by becoming a commuter hub and compare that with the revenues from the other alternatives. The cost to the public of the transportation infrastructure and commuting expenses required by this land use scheme should be compared to what it would cost the public to pay outright the amount of tax revenues the city seeks.

#### 7. Solid Waste

The landfilling of municipal solid waste (MSW) has a number of adverse environmental impacts including the waste of recyclable materials such as glass, newspaper, metal, and organic material. Landfilling recyclable material results in a larger amount of virgin material being extracted from the environment and the use of greater amounts of energy in the processing of them. Expanding the population of the city will result in a larger number of people contributing to the MSW stream and consequently additional potentially recyclable material being deposited into landfills with the consequent impacts on the physical environment. The EIR should evaluate and mitigate this impact. (EIR at 663.)

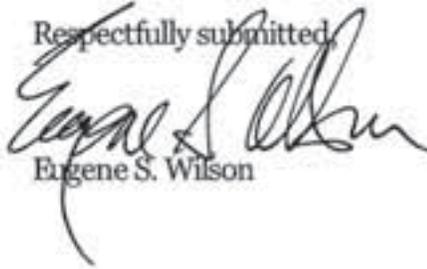
#### 8. Human Health Impact

Transportation has a significant impact on public health. Where a community is designed for the automobile, there are impacts to respiratory illnesses, cardiovascular diseases, obesity, and traffic-related fatalities. These impacts are less where there is more public transportation, bicycl-

Mr. John Davidson, Senior Planner  
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ing, walking, and other less polluting modes of transportation. The EIR should evaluate impacts on public health.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eugene S. Wilson". The signature is fluid and cursive, with a long vertical stroke extending downwards from the end of the name.

Eugene S. Wilson

## APPENDICES

- Appendix 1 U.S. EPA, Carbon Sequestration in Agriculture and Forestry
- Appendix 2 City of San Jose, Integrated Waste Management Zero Waste Strategic Plan (November, 2008).
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- Appendix 4 Yeager, K., Plug-In Hybrid Electric Vehicles: Electricity in the Driver's Seat.
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Copies of the attachments to this comment letter are on file with the City of San José Department of Planning, Building, and Code Enforcement and can be reviewed during regular business hours.

July 30, 2011

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**Sent via Email & U.S. Mail**

**SUBJECT: Comments on Envision San Jose 2040 General Plan Draft PEIR (SCH #2009072096)**

Mr. Davidson,

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report for the Envision San Jose 2040 General Plan. Loewke Planning Associates has been retained by FWSH Partners II, LLC, sponsors of a mixed use land use program for the 76.2-acre iStar property in the Old Edenvale area, to review and comment on the Draft PEIR. As City Staff are aware, FWSH Partners II, LLC proposes to refine the land use designation on the iStar site to accommodate a mix of employment and residential uses, consistent with "Preferred" Scenarios 7 & 7A, as analyzed in the DPEIR. The current iStar proposal (see attached Conceptual Plan) consists of 700 dwelling units on 47.5 acres, a neighborhood park on 4.2 acres, and a combination of office/R&D and retail uses on the remaining 24.5 acres. The purpose of this letter is to clarify the mixed use character of the current iStar proposal, and to provide supplemental information for inclusion in the Final PEIR to more accurately reflect the balanced land use approach proposed to be taken for this property.

The Draft PEIR analyzes two variations on the "Preferred" General Plan Project Scenario (7 & 7A), along with five distinct action alternatives and a "no-project" alternative, as summarized in Table 8.5-1. The analysis shows that a residential use may be included on the iStar site (as per Project Scenario 7A) while maintaining both the targeted 839,450 jobs and the overall Jobs/Employed Resident ratio of 1.3. It is important to note that the current iStar mixed-use proposal would substantially reduce the number of dwelling units on this site (from 1,100 to 700), while committing approximately one-third of the property to on-site employment uses (24.5 acres). This balanced land use approach would accommodate up to 1,000,000 square feet of on-site employment uses, consistent with Project Scenario 7.

The foregoing mixed-use land use program for iStar would support each of the 15 Project Objectives listed in Section 8.3 of the DPEIR. In particular, we believe this commitment to retaining a focused on-site employment component, together with workforce housing in close proximity to two transit stations and two major industrial centers will serve to diminish external vehicle trips and promote a sustainable land use pattern, while supporting further expansion of employment throughout the Edenvale Area. Accordingly, the following comments are provided with respect to specific sections of the DPEIR:

1. Inclusion of Residential Option As Part of "Preferred" or "Project" Scenario

- a. [Chapter 2 Description – Sec. 2.1 / Page 34]: Throughout the document, the terms "Preferred Scenario" and "Proposed Project" are used interchangeably, and are defined to include "options" for both employment (Scenario 7) and residential (Scenario 7) uses on the iStar site. The 4th paragraph on page 34 references a "Preferred Scenario" as being synonymous with the "Proposed Project" evaluated in the document, and distinguishes this Preferred Scenario from the action alternatives analyzed in Chapter 8. As discussed in Section 8.5 (CEQA Alternatives), Scenarios 1 through 5 were selected for analysis as the five action alternatives, along with a "no-project" alternative (continuation of current General Plan), while Scenario 6 was dismissed based on infeasibility. Section 4.3 (iStar Residential Option) states that the "option" of including a residential use on the iStar property "would not alter the overall development capacity assumed under the Preferred Scenario on a citywide basis, and therefore inclusion of the residential option "would have impacts similar to those from the proposed project." This conclusion is confirmed in Table 4.3-1 which shows that the direct and indirect impacts of the Proposed Project with the iStar residential option would be the "same" as those of the Proposed Project without this option.
- b. [Chapter 2 Description – Page 58]: Based on Comment #1a above, it should be clarified that when the document refers to the "Preferred Scenario" it is actually addressing the "Proposed Project" with or without the residential option for the iStar property (Scenarios 7 and 7A). Table 2.2-9 is described as showing "the development capacity planned" for the five Growth Areas within the Edenvale Planning Area. The 4th column in Table 2.2-9 correctly identifies the total planned employment for Old Edenvale as 31,000 (Options 7 & 7A - with or without the residential option for iStar); however, the 5th column should be revised to identify a residential component for Old Edenvale, consistent with option 7A. Note that while the table should identify the maximum size of this component (per residential Option 7A) as 1,100 units, the current iStar proposal is for a substantially smaller 700 units.
- c. [Chapter 2 Description – Page 122]: The discussion in Section 2.2.8.2 suggests that if selected as part of the General Plan Project, the iStar Residential Option would require a change in the land use designation from "Combined Industrial/Commercial" to "Mixed Use Neighborhood". As noted in the 2nd paragraph, this conclusion is based on the assumption that the site would "develop solely with residential uses as shown in Table 2.2-18." In light of the current mixed-use proposal for iStar, we suggest that the prospective land use designation on page 122 (and Figure 2.2-36 on page 125 - see attached edited diagram) be modified to a combination of "Mixed Use Neighborhood" and "Combined Industrial/Commercial", in order to better accommodate a compatible mix of moderate density residential, together with Commercial and/or Office/R&D uses as part of the Preferred Scenario. In addition, we suggest that Table 2.2-18 on page 123 be revised to reflect the following: (1) No net less of on-site jobs for the iStar Site (retain the assumed 1,050 on-site jobs without any corresponding transfer of jobs to other sites); and (2) A reduced allocation of 700 dwelling units on the iStar Site (with a proportionate reduction in changes affecting other housing sites).

- d. [Chapter 3.1 Land Use – Page 172]: Table 3.1-2 identifies the total number of jobs planned within the Old Edenvale area under the Envision San Jose 2040 General Plan (the Proposed Project) as 31,000. This table should be modified by footnote to clarify that this projection applies to the Proposed Project with and without the iStar Residential Option as currently proposed. Whereas old Scenario 7A would have shifted 1,050 planned jobs from Old Edenvale to other nearby locations, the current iStar proposal retains all of these jobs on-site, thereby preserving the 31,000 total jobs in Old Edenvale.
- e. [Chapter 3.2 Transportation – Page 294]: The text states *“As discussed in Section 2.2.8 in the Project Description, this PEIR also evaluates options, different from what is in the proposed General Plan”*. The discussion continues on Page 295 to conclude as follows: *“Implementation of an updated General Plan that includes one or both of the residential options for the Rancho del Pueblo and iStar sites would have impacts similar to those from the proposed project.”* As noted under Comment #1b above, the terms "Proposed General Plan", "Preferred Scenario" and "Proposed Project" are all synonymous; all refer to the Envision San Jose 2040 Plan with or without the residential option for the iStar property (Scenarios 7 and 7A).

## 2. Impact Analysis

- a. [Chapter 3.1 Land Use – Page 188]: The discussion of impacts associated with the "iStar Residential Option" should be refined, consistent with the current mixed-use proposal for the iStar property, with its reduced residential capacity of 700 units and its retention of on-site employment. The second sentence in Section 3.1.3.9 should be modified to read: "Under these options the iStar property would be designated for a combination of residential and employment uses, and the pueblo Golf Course would be designated for ...". We agree with the conclusion immediately preceding Table 3.1-3 that implementation of the General Plan, with this refined and reduced residential option for the iStar site "would have impacts similar to those from the proposed project (without the residential option)." While aggregate employment and housing projections under the Proposed Project, with and without the residential option for iStar are identical, we wish to point out (qualitatively) that the more balanced mix of uses reflected in the current iStar proposal will serve to marginally reduce average daily and peak-hour traffic, and have other positive effects on a number of impact categories. Accordingly, the overall significance conclusions within Table 3.1-3 are not expected to change; however, the discussion of "Basis" should reflect the following refinements: (LU-4) The projected job growth will not be shifted to other employment lands, villages and corridors because the current mixed-use iStar proposal retains all of the assumed job growth on-site.
- b. [Chapter 3 Traffic Analysis – Page 284]: Retention of on-site employment and reduction of planned on-site housing in the current mixed-use iStar proposal, will tend to further moderate the minor differences in travel speed and V/C ratios between the Proposed Project with and without the

residential option for iStar in Tables 3.2-16 and 3.2-17. As an example, the length of impacted roadway lane miles of within the nearby community of Gilroy is expected to increase from 1.54 miles in the Proposed Project without Residential Options to 1.65 miles with the Residential Options (Table 3.2-17); while remaining less-than-significant, this difference will be somewhat smaller if the current iStar proposal is implemented.

- c. [Chapter 3 Vibration Analysis – Page 350]: As noted under Comments #1c and #2a above, the document's characterization of the iStar site as proposed to be "designated for residential use instead of the currently designated industrial use" should be modified. The description should read: "...the iStar site would be designated for a combination of residential and employment uses instead of employment uses alone". This comment also applies to the discussion of impacts under the Air Quality (Sec. 3.4.4.8), Biological Resources (Sec. 3.5.3.10), Geology and Soils (Sec. 3.6.3.6), Hydrology and Water Quality (Sec. 3.7.3.4), Hazardous Materials and Hazards (Sec. 3.8.3.6), Public Facilities and Services (Sec. 3.9.3.6), Utilities and Service Systems (Sec. 3.10.3.6), Cultural and Paleontological Resources (Sec. 3.11.4.5), Aesthetics (Sec. 3.12.3.4), Energy (Sec. 3.13.4.4), Population and Housing (Sec. 3.14.4.4), Greenhouse Gas Emissions (Sec. 3.15.5.4), Indirect Impacts (Sec. 4.3), and Significant Irreversible Environmental Changes (Sec. 7 - Page 859).
- d. [Chapter 3 Greenhouse Gas Emissions – Page 823]: The discussion of impacts associated with the iStar Residential Option in Section 3.15.5.4 at the bottom of page 823 reads: "*Both residential sites would be infill projects, with the iStar site close to transit. It is not anticipated that either would include a mix of land uses.*" This language should be revised based on the current mixed-use iStar proposal to state: "...It is anticipated that the iStar site will be developed with a mix of residential and employment uses." As discussed above, the more balanced current land use program for iStar will place workforce housing and jobs in close proximity, thereby improving land use efficiency and reducing vehicle miles traveled. This is not expected to change any of the significance conclusions reached in the Draft PEIR; nevertheless it is likely to have a modest positive effect on GHG emissions and related effects.

### 3. New Land Use and Residential Density Requirements

- a. [Chapter 2 Description – Page 36]: The discussion of the Preferred Land Use Scenario in Section 2.2.1 on Page 36 text states "*New residential development within the Growth Areas is planned to occur at a density of at least 55 dwelling units per acre (55 DU/AC) with some allowance for 30 DU/AC at interfaces with existing single-family neighborhoods.*" The Planned Growth Areas are depicted in Figure 2.2-1 on Page 41 to include both a range of different growth categories, including Employment Areas such as Old Edenvale (listed again on Page 38). The discussion on page 36 should be modified to state that the "Proposed Project with Residential Option includes designation of a portion of the iStar site within the Old Edenvale Growth Area as "Mixed Use Neighborhood accommodating a density of less than 30 DU/AC." Note that the average gross density applicable to the residential portion of the current mixed-use iStar proposal is approximately 14.5 DU/AC.

July 30, 2011

Page 5

- b. [Chapter 2 Description – Page 38]: The discussion of Employment Land Areas on Page 38 includes Old Edenvale where the iStar site is located. It is stated that these Employment Land Areas "represent existing areas of the city (already) developed with employment generating uses." Nevertheless, the iStar site is currently undeveloped, and included as part of the Proposed Project with Residential Option for planned development which includes residential uses. The discussion on page 38 should therefore be modified to include reference to residential development on a portion of the iStar site, as reflected in the attached plans.
  
- c. [Chapter 2 Description and EADP – Page 38]: Approval of the Proposed Project with Residential Option on the iStar site would result in the mixed-use development program described on Page 1 of this comment letter (as reflected in the attached diagram). It is our expectation, based on established City procedure that adoption of the Envision San Jose 2040 General Plan with Residential Option for iStar will result in the revised land use designations discussed under Comment #1c above, with authorization to revise the Edenvale Area Development Policy consistent with the General Plan concurrently with action on the implementing Re-Zoning (PD Zoning). Accordingly, these subsequent implementing actions will be evaluated based on (and analysis will tier from) the certified PEIR for Envision San Jose 2040.

Thank you again for the opportunity to provide comments on the Draft PEIR. Please do not hesitate to contact us at 925-804-6225 if you require any additional information related to the foregoing comments.

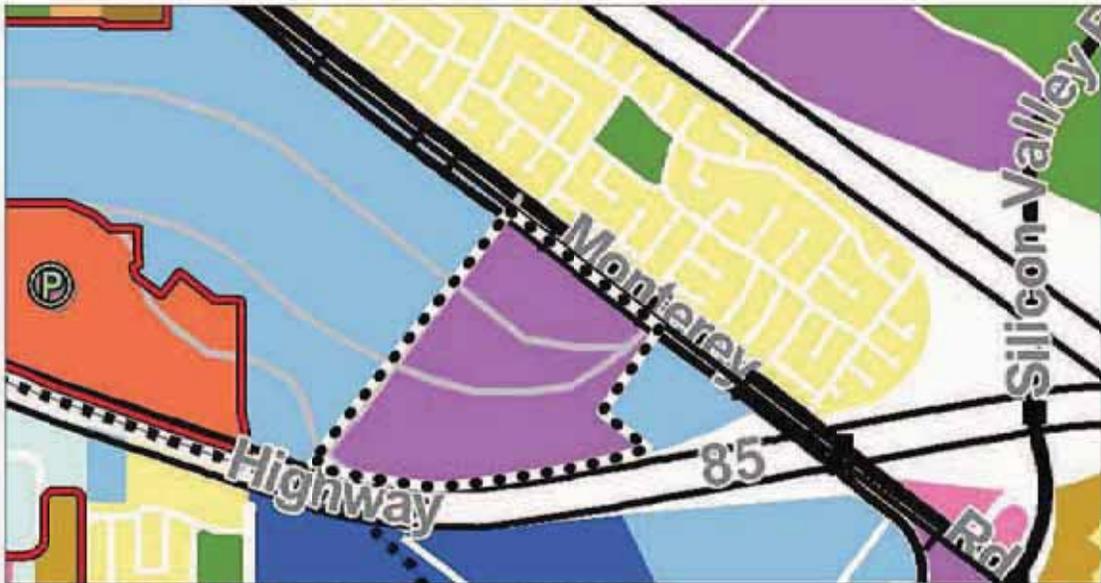
Sincerely,



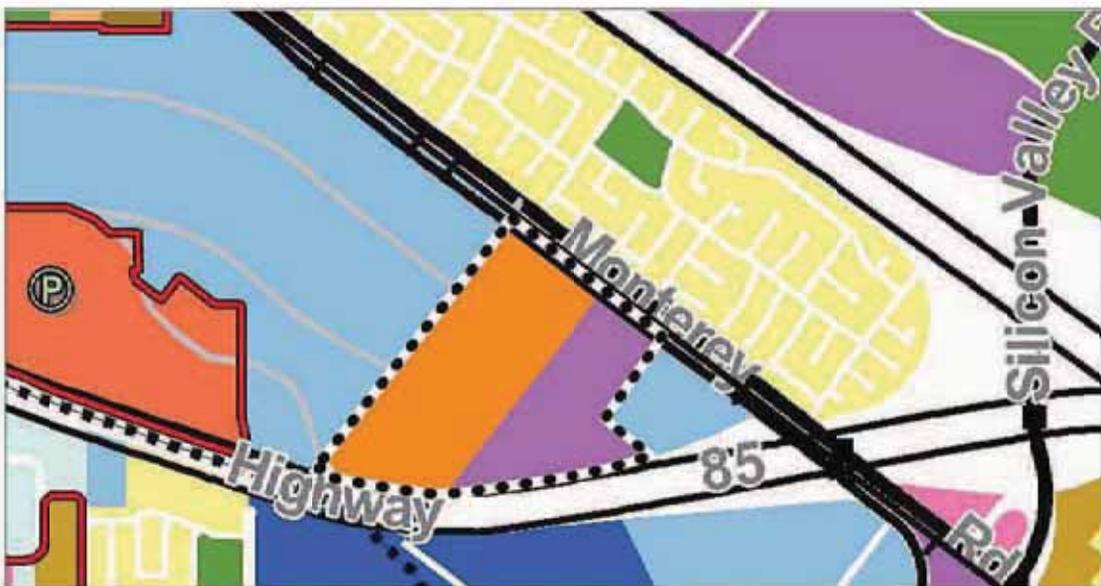
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Richard T. Loewke, AICP

CC: Ed Storm & Keith Wolff, FWSH Partners II, LLC



**PREFERRED SCENARIO WITHOUT RESIDENTIAL**



**PREFERRED SCENARIO WITH RESIDENTIAL**

**Envision San Jose 2040 Designations**

- Agriculture
- Combined Industrial/Commercial
- Downtown
- Transit Employment Center
- Heavy Industrial
- Industrial Park
- Light Industrial
- Hillside
- Mixed Use Commercial
- Mixed Use Neighborhood
- Neighborhood/Community Commercial
- Open Hillside
- Open Space, Park and Habitat
- Private Recreation
- Public/Quasi-Public

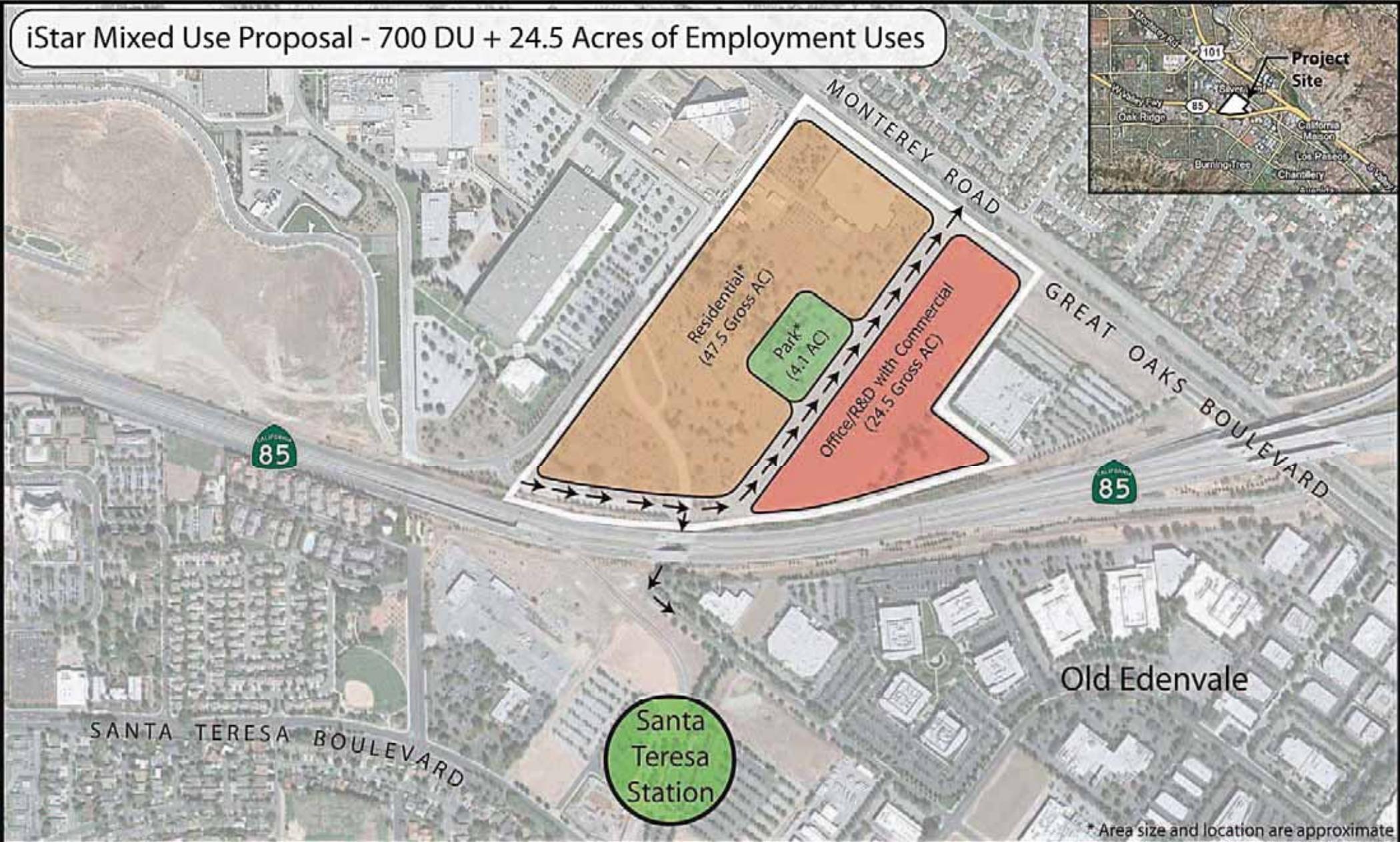
- Regional Commercial
- Residential Neighborhood
- Rural Residential
- Transit Residential
- Urban Residential
- Village
- Village Overlay Areas
- Transit Employment Residential Overlay
- Urban Reserves
- Specific Plan Areas
- Preferred Hotel Site Overlay
- Urban Growth Boundary
- Urban Service Area
- Sphere of Influence

- P Floating Park
- \* Proposed BART Stations
- BART Line
- CalTrain Stations
- + CalTrain Line
- ..... Light Rail Line
- Interchange

- Project Option Site Boundary



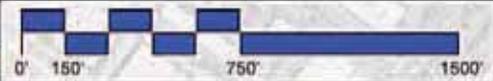
iStar Mixed Use Proposal - 700 DU + 24.5 Acres of Employment Uses



\* Area size and location are approximate

iStar Proposal - 700 DU + 24.5 Acres Employment Uses

LOEWKE PLANNING ASSOCIATES  
URBAN & ENVIRONMENTAL PLANNING





## **VEP Community Association**

Representing More Than 2000 Families in the Blossom Valley Area of South San Jose Since 1969

Emailed to: [john.davidson@sanjoseca.gov](mailto:john.davidson@sanjoseca.gov)

July 29, 2011

John Davidson, Senior Planner  
Department of Planning, Building, and Code Enforcement  
200 East Santa Clara Street, Tower 3  
San Jose, CA 95113-1905

Re: Draft PEIR for Envision San Jose 2040 General Plan, File #PP09-011

Dear Mr. Davidson and Planning Staff:

On behalf of our membership, the Board of Directors of the VEP Community Association appreciates the opportunity to comment on the draft GP2040 Program Environmental Impact Report. VEP recently sponsored two formal presentations on Envision San Jose 2040, which elicited significant interest in this revision of our general plan.

The VEP Board would like to commend the members and staff of Envision San Jose 2040 for the work and commitment that went into developing it. Some of its particularly strong points are:

- Continuing to increase the number of jobs within the city of San Jose as a priority in achieving fiscal sustainability;
- Providing for periodic, serious reviews of San Jose's evolution in comparison with the goals of this general plan;
- Continuing support of environmental goals including protection of areas surrounding San Jose, such as the Mid-Coyote Valley and South Almaden Valley Urban Reserves;
- Clearly defining the urban boundaries of San Jose;
- Providing protection and support for established residential neighborhoods while advancing new models for the future;
- Focusing growth into areas where it can be best supported; and
- Utilizing the concept of one or more pilot projects in developing "urban villages", to ensure successful implementation of this new concept in our city.

The new general plan also raises concerns for the city's future. The PEIR indicates that increasing San Jose's population will definitely have a negative impact on the quality of life that we have all come to expect. Unfortunately, the quality of life in San Jose has been slowly deteriorating over recent years, largely due to the economic downturn and ten years of consecutive budget deficits. This has resulted in decreased services and deferred maintenance on our infrastructure, particularly streets and parks. Libraries and community centers have also been seriously impacted, and most recently concern has increased over the budgetary requirements to decrease public safety services.



## **VEP Community Association**

Representing More Than 2000 Families in the Blossom Valley Area of South San Jose Since 1969

Page 2 of 3

Therefore, the focus of Envision San Jose 2040 on expanding the city's employment base is extremely important. A fiscal analysis of San Jose's existing land usage (prepared by ADR, Inc.) shows that every new job in the city is a net financial benefit to the city; every new residence is a net financial loss. Understanding this, we applaud your focus on job creation as a long term strategy that will enhance the fiscal sustainability of San Jose and its quality of life.

Based on Table 8.5-1 in the PEIR, the baseline plan proposes adding 470,000 new jobs over the 30-year horizon of the plan, as well as proposing adding 120,000 dwelling units. We find Scenario 1 (titled "Low Growth") to be a preferable scenario, as it adds 88,650 dwelling units (DU) over the same timeframe. This matches the average 3,000 DU/year growth rate that the city has experienced over the last decade. There is no apparent need to expand the housing base faster than the recent pace, and acceleration is bound to be difficult with the amount of buildable land being severely constrained. Moreover, each new residential unit adds to our city's costs.

Scenario 1 also calls for adding 346,550 jobs in thirty years, approximately doubling the employment base. The "Low Growth" plan targets a ratio of 1.2 jobs for each employable resident. This is clearly a worthy objective, even though it is slightly less than the goal of 1.3 in the General Plan's baseline scenario. Periodic reviews will be key to assisting the city in determining how to proceed. Should job growth fall behind, the review process should trigger a corrective moratorium on residential construction.

However, the Association of Bay Area Governments (ABAG) proposes a very different scenario, one in which San Jose will continue to function as the "bedroom community" for our area. This has not been acceptable in the past, and will clearly be problematic should it continue into the future. Being the "bedroom community" contributes to the city's structural deficits, while also adding to the "average vehicle miles" traveled (adding to the challenge of the goal to reduce this number significantly in the future). Clearly this would not be good for San Jose; bad for our roads, bad for our air, bad for our quality of life, and bad for San Jose's fiscal, economic, and environmental sustainability.

One of the opportunities for relieving congestion lies in telecommunications, which the General Plan briefly addresses in Chapter 3. Many businesses, both large and small, use teleconferencing and webinars to educate and bring their employees and stakeholders together, whether they are in the next building, are three miles away, or are 3,000 miles away. To be attractive, San Jose needs to have communication freeways, high capacity fiber trunks, switching nodes, and server farms. Work-from-home is a potential bonanza for reducing vehicle miles traveled (VMT) in San Jose and Silicon Valley.

There are ambitious assumptions in the General Plan concerning the success of mass transit. While the goal to significantly increase usage of mass transit is an admirable one, currently the region is strongly interconnected by roads and use of private vehicles. This is borne out by the fact that mass transit, bicycles, and carpools make up a small percentage of the employment-related traffic. Continued public education, increasing bicycle lanes, and financial incentives by employers will continue to encourage the growth in usage of mass transit. However, as this is a significant cultural shift for the majority of the residents of our city, efficacy of mass transit should be included as part of the periodic reviews in the general plan.



## **VEP Community Association**

Representing More Than 2000 Families in the Blossom Valley Area of South San Jose Since 1969

Page 3 of 3

Envision San Jose 2040 proposes the development of several “urban villages”. Of the seven identified proposed locations, the one on the VTA Park ‘n Ride lots at Capitol Expressway/Narvaez/Hwy 87 is of particular interest and concern to the VEP Community. For more than five years, VEP has had a formally-adopted goal to work toward the improvement of the intersection at Capitol Expressway/Narvaez and the onramp/offramp to Hwy 87. This intersection has had significant traffic volume and traffic flow issues for several years. It became problematic following the development of Communications Hill.

In 2007, VTA proposed selling/leasing the same property that is currently included in the proposed general plan. The surrounding communities became very concerned about the potential to worsen ongoing traffic gridlock that occurs daily at this intersection, and voiced their concerns to VTA, to members of the City Council, and to members of the Santa Clara County Board of Supervisors. VTA enlisted Fehr & Peers Consulting firm to develop possible scenarios for resolution. Each of their four alternatives indicated that a portion of the land (now part of the Park ‘n Ride lots) would be needed to mitigate existing congestion on the northbound onramp to Hwy 87. Currently, although it’s listed on VTA’s Highway Program, there is no plan or funding in place to improve this intersection or highway onramp. Without a plan to improve the intersection and onramp, the development of the VTA property into an “urban village” would certainly worsen congestion there, negatively impacting the established surrounding residential communities. Worse, using any of the available land could foreclose the possibility of future traffic mitigation. This is a major concern to VEP and its neighboring communities.

Since 1969, the VEP Community Association has an established history of commitment and willingness to work in collaboration with elected officials, staff, and developers on projects that directly affect our community. We would welcome the opportunity to do so again should the proposal go forward to develop the VTA Park ‘n Ride lots as an “urban village”.

The Program Environmental Impact Report makes it clear that increasing the population density of San Jose will create unavoidable adverse effects. Key to mitigating those effects is having an economically and fiscally sustainable city. Envision San Jose 2040 charts a path toward that goal, and for that reason, it certainly deserves support.

Sincerely,

Marilyn Rodgers, President  
408/225-7553  
[MRodgersRN@aol.com](mailto:MRodgersRN@aol.com)

Cc: District 10 City Councilmember Nancy Pyle

**Davidson, John**

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**From:** Shirley [shirley@worth.org]  
**Sent:** Friday, July 29, 2011 2:32 AM  
**To:** Davidson, John  
**Cc:** Larry; Oliverio, Pierluigi  
**Subject:** Lincoln Ave. (Envision 2040)

This is to support the idea of including Lincoln Ave. in the General Plan as a street to be converted to a "Complete Street" with 2 traffic lanes and one 2-way center left turn lane, with bicycle lanes.

I second the comment submitted by Larry Ames:

<< As I said during public comment, I wish that Lincoln Avenue would be added to the list of streets under consideration for reduction from 4 to 2 lanes of traffic. It is being designated as the "Main Street" that serves the historic downtown neighborhood commercial district of Willow Glen. While it does have to carry a fair amount of traffic, the current four lanes are not optimally configured: in places one lane is blocked by left-turners, other places the other is blocked by parallel-parkers, and the through-traffic is already effectively a single lane that weaves around the obstacles. If Lincoln were converted to one-lane each way, with a 2-way left-turn middle lane and bike lanes along the side, the traffic would move more smoothly and efficiently, the neighborhood commercial district would better serve the local community (by being more accessible by bike), and I would predict that the impact on the through traffic would be minimal. (I'd recommend having the 3-lane configuration run the full length from Almaden Expressway to San Carlos, so as to avoid having a lane of traffic peel off into one local residential street or another.)

...

Figure 2.2-18 shows that the Almaden / Vine one-way pair will be decoupled. This will be very beneficial to the local community. However, unless measures are taken in advance, this may result in more of the Almaden Expressway traffic peeling off on to Lincoln. (This is yet another reason for converting Lincoln Ave. into a "complete" street, so as to avoid having the Almaden/Vine improvements adversely affecting an adjacent community!) >>

**Davidson, John**

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**From:** Lowell Grattan [lowell\_grattan@prodigy.net]  
**Sent:** Friday, July 29, 2011 2:50 PM  
**To:** Davidson, John  
**Subject:** San Jose New General Plan

John,

I have tried to follow the new General Plan development and do have a few comments.

I have been a good friend and an investment associate with a previous San Jose Planning Director for over 30 years who has given me some understanding of Planning.

---

Planners,

The San Jose General Plan is a 10 year Plan that has been understudy for almost three years. Many of the ideas previously reviewed and agreed upon are becoming out of date or becoming questionable as to their success. Should consideration be given to making this plan a 3 year General Plan to be reviewed again in three years?

The basis of this plan seems to be Reducing CO2 which is now, not as high a priority as it was three years ago. General Plans in the past have had Economics as their basis including housing costs and mobility, etc. If the plan cannot be financed it cannot be implemented.

More consideration could be given to the existing State, U. S. National problems of Jobs, taxes, debt. Transportation Corridors.

San Jose is following Portland in developing Transportation Corridors. San Jose Planners should be aware that 10 years after the plan in Portland was established, there was not one building permit issued in their planned Transportation Corridors. The Planning Director reported to the Council that they would need urban development bonds to develop the project. Portland has now issued approximately 1.5 billion of bonds for this purpose. City employees and teachers feel that they have received less pay as funds have gone to pay off these bonds that should have gone to them. They are most unhappy.

Secondly, Our Governor is NOT going to permit this type of bond to be used in the future which may delay or make it impossible to develop Transit Corridors.

Third, Estimates of future growth cannot be substantiated and are not reasonable.

Best,

Lowell Grattan.

(408) 379-2350 lowell\_grattan@prodigy.net

Best,

**Davidson, John**

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**From:** Michael Mulcahy [Michael@sdsnexgen.com]  
**Sent:** Friday, July 29, 2011 3:09 PM  
**To:** Davidson, John  
**Cc:** shirleylewis@comcast.net; Liccardo, Sam; Oliverio, Pierluigi; Larsen, Hans  
**Subject:** Envision 2040 with Regard to Lincoln Avenue

Dear Mr. Davidson:

As part of the work of the Envision 2040 General Plan update, it has come to my attention that there is a significant decision being made with respect to some of San Jose's streets. Creating "Complete Streets" will be very good for our City by promoting slower traffic, less cars, and an orientation that honors bikes and pedestrians. I have heard it referenced as giving them "road diets" or the creation of "Main Streets." I applaud this approach.

However, I am very surprised to learn that one of our most prominent existing Main Streets is not being considered for this designation by the Envision 2040 task force. I am formally petitioning the task force to consider Lincoln Avenue, one of the most storied commercial districts in the City, but one that is challenged by too high a speed limit, no bike lanes, and unsafe crosswalks. We need to improve such conditions on the Avenue, not only to improve commerce, but most importantly, to prevent the accident waiting to happen. Moreover, the City and County's limited attention to the dangers created by mixing commuter traffic, insufficient bus safety, and high speeds with small business storefronts, parents with children and dogs, and two nearby schools is hard to believe and irresponsible.

I encourage the task force to add Lincoln Avenue to the list of streets under consideration for reduction from 4 to 2 lanes of traffic: one-lane each direction, with a center lane for left-turns and bike lanes along-side the parallel parking. Traffic would move more efficiently, the commercial district would better serve its customers, and the impact on through-traffic would be minimal. I would like to see the lane reduction start just past Pine Avenue on the southern end of the district and widen back to 4 lanes at the Highway 280 overpass on the north end.

While I know this cannot be accomplished overnight, but we have to start somewhere and I urge the task force to at least get Lincoln Avenue on the list for consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael P. Mulcahy". The signature is written in a cursive style with a large, looping "M" and "P".

Michael P. Mulcahy  
Willow Glen Resident, Property Owner, Business Owner, and Customer

Michael Mulcahy, Managing Partner  
SDS NexGen Partners LP  
Sheri Grose, Executive Assistant  
[sheri@sdsnexgen.com](mailto:sheri@sdsnexgen.com)

**Davidson, John**

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**From:** Amy Zeng [amyzeng@hotmail.com]  
**Sent:** Friday, July 29, 2011 11:14 PM  
**To:** distrit5@sanjose.gov; Davidson, John  
**Subject:** Please do NOT agree to demolish Ranho Del Pueblo Golf Course  
**Importance:** High



Dear Campos and ,

It has brought to my family's attention the city of San Jose is discussing to rezone the land that is now Ranho Del Pueblo Golf Course. The golf course has been part of our social life for many years. It is great place to adults and children to take golf lessons and practice both on the driving range and the course. The community regards Ranho Del Pueblo Golf Course is the one of the best golf courses in the center of the Silicon Valley. The area already has high dense of houses. We really need the golf course there to make the environment green and provide the place to relax for our busy life. I really appreciate if you have time to go there. We will find how valuable the golf course is. The staff provides wonderful service, golfers are very happy/friendly and kids are learning life skill there, which is far beyond the golf itself. In my opinion, the place has made San Jose is better place to live.

We greatly appreciate if you could consider our view to against the idea to demolish Ranho Del Pueblo Golf Course. Your support will be known for many generations to come.

Best regards!

Amy Zeng

## Davidson, John

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**From:** John Bernstein [john@vrealms.com]  
**Sent:** Friday, July 29, 2011 7:47 PM  
**To:** Davidson, John  
**Subject:** Lincoln Ave. in Willow Glen

I am a huge fan of reducing Lincoln to 1 lane each direction between Minnesota and Willow streets.

Take a look at what Livermore did with their downtown 1st street: They switch a major thoroughfare from 4 lanes to 2 lanes (1 each way), giving the outside lane to new sidewalks, landscaping, and patio areas for restaurants and cafes.

It made the downtown of Livermore in to a walking/shopping/dining hot spot. It produced significantly more shoppers for the stores, more diners, and traffic wasn't an issue at all.

This YouTube video describes what they did: <http://www.youtube.com/watch?v=gfr-RJ7Xac8>

Other bay area cities have done similar downtown transformations.

Please help make Lincoln much more shopper and pedestrian friendly! The only result you'll see is increased tax revenue, oh and probably a lot of happy residents.

John Bernstein  
1157 Fairview Avenue  
Willow Glen

**Davidson, John**

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**From:** Vernon Ladd [vladd@sbcglobal.net]  
**Sent:** Saturday, July 30, 2011 6:35 AM  
**To:** Davidson, John  
**Subject:** Envision 2040 Comments--Willow Glen Lincoln Ave.

PLEASE PLEASE PLEASE make Lincoln Ave. 2 lanes in downtown WG. We need an area that is much more pedestrian/bike friendly and better suited w/ wider sidewalks to outdoor dining. Every nice city in the area, e.g. Pleasanton, Menlo Park, Palo Alto, Los Gatos, Campbell, etc. has a 2 lane downtown. Why not make WG a prototype for other areas w/in San Jose? It will help build stronger neighborhoods which are safer, etc., too! Crossing 4 lanes of traffic as a pedestrian is dangerous even w/ blinking crosswalk lights. I've personally seen too many close calls because the sidewalk lane will stop for a pedestrian, but the inside lane driver doesn't see the pedestrian! There are so many ways to do 2 lanes!

Vern Ladd  
1245 Laurie Ave.  
San Jose, Ca 95125  
WG since 1983

**Davidson, John**

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**From:** tao zeng [taoz88@hotmail.com]  
**Sent:** Saturday, July 30, 2011 9:41 AM  
**To:** district5@sanjose.gov; Davidson, John  
**Subject:** Keep Ranho Del Pueblo Golf Course please!!!

Dear Campos and Davidson,

My children and their friends have been taken golf lessons and practice in Ranho Del Pueblo Golf Course for many years. They spend most of their spare time in Ranho Del Pueblo Golf Course and enjoy the game greatly. They feel very disappointed about the rezone land news, and urged me to write to you. The golf course has been part of kids' social life for many years. The area already has high dense of houses. We need the golf course there to make the environment green, the San Jose a better place to live.

We greatly appreciate if you could manage to keep Ranho Del Pueblo Golf Course.

Best regards!

## Davidson, John

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**From:** tao zeng [taoz88@hotmail.com]  
**Sent:** Saturday, July 30, 2011 9:45 AM  
**To:** District5; Davidson, John  
**Subject:** Keep Ranho Del Pueblo Golf Course please!!!

Dear Campos and Davidson,

My children and their friends have been taken golf lessons and practice in Ranho Del Pueblo Golf Course for many years. They spend most of their spare time in Ranho Del Pueblo Golf Course and enjoy the game greatly. They feel very disappointed about the rezone land news, and urged me to write to you. The golf course has been part of kids' social life for many years. The area already has high dense of houses. We need the golf course there to make the environment green, the San Jose a better place to live.

We greatly appreciate if you could manage to keep Ranho Del Pueblo Golf Course.

Kind regards!

Dr Zlian

## Davidson, John

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**From:** gardenpeach@earthlink.net  
**Sent:** Saturday, July 30, 2011 6:28 PM  
**To:** Davidson, John  
**Subject:** Downtown Willow Glen

Hello John,

Absolutely, Lincoln through Downtown Willow Glen should be one lane each way with a turn lane or median strip down the middle. That would smooth traffic flow, make it safer for pedestrians and cyclists (bike lanes!) and improve the CHARM of our downtown. Please consider this.

If you've seen old photos of Lincoln Ave, you've seen that it used to have one lane each way, and a trolley down the center.

Kind regards,  
Nancy Goebner, Willow Glen Resident (95125-3350 area)

For God has not given us the spirit of fear; but of power, and love, and of a sound  
II

## Davidson, John

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**From:** Nicholas Jensen [nicholasryanjensen@gmail.com]  
**Sent:** Saturday, July 30, 2011 1:43 PM  
**To:** Davidson, John  
**Subject:** Envision 2040 Plan for Lincoln Ave.

Dear John,

Lincoln Avenue should be reduced from 4 to 2 lanes as part of the Envision 2040 plan. Reducing the speed of traffic and creating a friendlier atmosphere for cyclists and pedestrians with "complete streets" would be a huge win for the businesses in downtown Willow Glen.

Imagine if the sidewalks were wider. Restaurants could offer more outdoor seating. Reducing the speed of traffic would make downtown quieter and safer. Have you tried to cross the street in downtown Willow Glen? Even with the crosswalks, we regularly see near misses as pedestrians brave the 4 lanes of traffic.

As Willow Glen homeowners, we'd love to see our neighborhood more friendly for people, not cars.

Thanks,

Nicholas + Carrie Jensen

**Davidson, John**

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**From:** Mike Culcasi [mculcasi@sbcglobal.net]  
**Sent:** Monday, August 01, 2011 10:39 AM  
**To:** Davidson, John  
**Subject:** Rancho del Pueblo

Dear Mr. Davidson,

I learned recently that the City of San Jose has set a hearing date to discuss the possibility of rezoning the land that is now Rancho del Pueblo Golf Course. I am writing to you today because I am very concerned about this potential rezoning action.

I am currently an active volunteer with The First Tee of San Jose. I have personally witnessed the positive impact this program has on young members of our community. What I like most about The First Tee is the emphasis on life skills through it's Nine Core Values (Honesty, Perseverance, Courtesy, Sportsmanship, etc.). So it's not just a golf program, it's a program which emphasizes what is important to live a productive and well-balanced life. I believe The First Tee contributes to healthier and better-balanced youth in our community.

The First Tee programs are based at Rancho del Pueblo Golf Course. Without that facility, we would not have a home and it would truly be a significant loss to the young kids in our city. For these reasons, I urge you to cast your vote AGAINST rezoning of Rancho del Pueblo.

Thank you!

Michael Culcasi  
1358 Keenan Way  
San Jose, CA 95125

**Davidson, John**

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**From:** Cord100@aol.com  
**Sent:** Monday, August 01, 2011 2:21 PM  
**To:** Davidson, John  
**Cc:** Knies, Scott  
**Subject:** 2040 Plan Comment  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

John - I reviewed the 2040 draft. I was specifically looking at Downtown and the plan continues to designate it as a growth area for jobs and housing - that's good!. My question - I didn't see any reference to the recent Diridon Area Plan, which report was accepted at Council - did I overlook it. If not in the 2040 Plan then why not. Thanks, Henry

**Henry Cord**  
*Chair, Advocacy Committee , San Jose Downtown Association.*

*Cord Associates  
Real Estate Services  
42 S. First Street, Suite D  
San Jose, CA 95113  
408.283.7292 direct  
408.307.0166 cell  
409.971.7699 fax*

## Davidson, John

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**From:** Pam Deal [pdeal24@gmail.com]  
**Sent:** Monday, August 01, 2011 4:04 PM  
**To:** Campos, Xavier  
**Cc:** Davidson, John  
**Subject:** Rancho del Pueblo Golf Course: No to Rezoning

August 1, 2011

Honorable Councilman Xavier Campos  
District 5  
San José City Council  
200 East Santa Clara St.  
San José, CA 95113

Re: Vote No to Rezoning the Existing Rancho del Pueblo Golf Course Property (General Plan Amendment Request GP10-05-01)

Dear Councilman Campos:

I recently learned of the proposed General Plan Amendment whereby the Rancho del Pueblo Golf Course would be rezoned for future development instead of the recreational uses currently allowed.

I am strongly against allowing the rezoning of this property. The Rancho del Pueblo Golf Course represents one of the few affordable golf options available to beginning golfers in the San Jose area. As a beginning golfer, I use the course frequently and regularly see children at the course. As you are probably aware, the golf course has also become the home site for The First Tee of San Jose. The First Tee is a nationally recognized youth life skills program targeting under privileged populations.

I believe the citizens of the City of San Jose value opportunities to provide healthy, safe, affordable outdoor recreational options for our children. I urge you to please vote no to the rezoning of this valuable community asset.

Sincerely,

Pam Deal  
1305 Shasta Avenue  
San Jose, CA 95126

## Davidson, John

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**From:** Brian Molver [b\_molver@yahoo.com]  
**Sent:** Monday, August 01, 2011 4:13 PM  
**To:** Campos, Xavier  
**Cc:** Davidson, John  
**Subject:** Re: Vote No to Rezoning the Existing Rancho del Pueblo Golf Course

August 1, 2011

Honorable Councilman Xavier Campos  
District 5  
San José City Council  
200 East Santa Clara St.  
San José, CA 95113

Re: Vote No to Rezoning the Existing Rancho del Pueblo Golf Course  
Property (General Plan Amendment Request GP10-05-01)

Dear Councilman Campos:

I recently learned of the proposed General Plan Amendment whereby the Rancho del Pueblo Golf Course would be rezoned for future development instead of the recreational uses currently allowed.

I am strongly against allowing the rezoning of this property. The Rancho del Pueblo Golf Course represents one of the few affordable golf options available to beginning golfers in the San Jose area. As a beginning golfer, I use the course frequently and regularly see children at the course. As you are probably aware, the golf course has also become the home site for The First Tee of San Jose. The First Tee is a nationally recognized youth life skills program targeting under privileged populations.

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Sincerely,  
Brian Molver  
1305 Shasta Avenue  
San Jose, CA 95126

**Davidson, John**

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**From:** Luke Li [lukezli@yahoo.com]  
**Sent:** Monday, August 01, 2011 11:09 PM  
**To:** Amy Zeng; Davidson, John; District5  
**Subject:** Re: Please do NOT agree to demolish Ranho Del Pueblo Golf Course

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**From:** Amy Zeng <amyzeng@hotmail.com>  
**To:** district5@sanjose.gov; john.davidson@sanjoseca.gov  
**Sent:** Friday, July 29, 2011 11:19 PM  
**Subject:** RE: Please do NOT agree to demolish Ranho Del Pueblo Golf Course

Dear Campos and Davidson,

It has brought to my family's attention the city of San Jose is discussing to rezone the land that is now Ranho Del Pueblo Golf Course. The golf course has been part of our social life for many years. It is great place to adults and children to take golf lessons and practice both on the driving range and the course. The community regards Ranho Del Pueblo Golf Course is the one of the best golf courses in the center of the Silicon Valley. The area already has high dense of houses. We really need the golf course there to make the environment green and provide the place to relax for our busy life. I really appreciate if you have time to go there. We will find how valuable the golf course is. The staff provides wonderful service, golfers are very happy/friendly and kids are learning life skill there, which is far beyond the golf itself. In my opinion, the place has made San Jose is better place to live.

We greatly appreciate if you could consider our view to against the idea to demolish Ranho Del Pueblo Golf Course. Your support will be known for many generations to come.

Best regards!

Amy Zeng

**Davidson, John**

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**From:** Gary Hurst [gshforot@yahoo.com]  
**Sent:** Wednesday, August 03, 2011 2:13 PM  
**To:** Davidson, John; City Owned Property; district5@sanjose.gov; district1@sanjose.gov; district2@sanjose.gov; district3@sanjose.gov; district4@sanjose.gov; district6@sanjose.gov; district7@sanjose.gov; district8@sanjose.gov; district9@sanjose.gov; district10@sanjose.gov; mayor@sanjose.gov; Lauren Moll  
**Subject:** Rancho del Pueblo golf course

I want to go on record as a San Jose taxpayer in opposition to the rezoning of this recreational facility. The golf course and driving range are a gathering place for a large number of diverse people from the surrounding community who have no other place to come together and share their common interest. Rezoning the golf course to allow more housing will eliminate one of the few facilities in the area that draw people from many cultural and economic backgrounds together, and will eliminate one of the few remaining open spaces in the area. Why not increase the housing stock in the area by eliminating the Mexican Heritage Center or the PAL field that appear to be far less used and require large city subsidies to remain open even after the cost of renting city-owned land is eliminated. Even the park across the street from the golf course will see diminished use because so many park users park their cars in the golf course parking lot while using the park.

Depriving seniors, young First Tee students, novice golfers, women and others of the best golf course in the area for their programs, style of play, and opportunity to interact and build the community will be a step backwards. Denser housing in this area will also surely lead to an increase in the crime rate and add to the city's costs above and beyond the resulting tax increases.

Why not focus on annexing the property of the former Pleasant Hills golf course into the city and developing that property which is larger, closer to planned light rail expansion, and currently unused and earning virtually no tax revenue?

**Davidson, John**

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**From:** Lauren Moll [red95140@yahoo.com]  
**Sent:** Wednesday, August 03, 2011 2:35 PM  
**To:** Davidson, John; City Owned Property; district5@sanjose.gov; district1@sanjose.gov; district2@sanjose.gov; district3@sanjose.gov; district4@sanjose.gov; district6@sanjose.gov; district7@sanjose.gov; district8@sanjose.gov; district9@sanjose.gov; district10@sanjose.gov; mayor@sanjose.gov; Gary Hurst  
**Subject:** Re: Rancho del Pueblo golf course

As another San Jose taxpayer and voter, I want to add my voice to that of my husband. The city spent millions of dollars to build this golf course, but seems to lack the vision to preserve it for the people of the area and wants to build more housing in an already congested area. The costs of supplying city services to such housing will surely cost more than the tax base increase and the quality of life in the area will be lowered by the loss of the golf course and problems associated with denser housing.

This part of the city has too few recreational opportunities, too little open space, and too few places for community interaction already - do not throw away this community asset forever by rezoning this golf course. Shame on you for wasting city resources considering this zoning change. Focus on developing underused properties near mass transit like the old Pleasant Hills golf course on White Road.

--- On **Wed, 8/3/11**, **Gary Hurst** <gshforot@yahoo.com> wrote:

From: Gary Hurst <gshforot@yahoo.com>  
Subject: Rancho del Pueblo golf course  
To: "John.Davidson@sanjoseca.gov" <John.Davidson@sanjoseca.gov>, "cityownedproperty@sanjoseca.gov" <cityownedproperty@sanjoseca.gov>, "district5@sanjose.gov" <district5@sanjose.gov>, "district1@sanjose.gov" <district1@sanjose.gov>, "district2@sanjose.gov" <district2@sanjose.gov>, "district3@sanjose.gov" <district3@sanjose.gov>, "district4@sanjose.gov" <district4@sanjose.gov>, "district6@sanjose.gov" <district6@sanjose.gov>, "district7@sanjose.gov" <district7@sanjose.gov>, "district8@sanjose.gov" <district8@sanjose.gov>, "district9@sanjose.gov" <district9@sanjose.gov>, "district10@sanjose.gov" <district10@sanjose.gov>, "mayor@sanjose.gov" <mayor@sanjose.gov>, "Lauren Moll" <red95140@yahoo.com>  
Date: Wednesday, August 3, 2011, 2:13 PM

I want to go on record as a San Jose taxpayer in opposition to the rezoning of this recreational facility. The golf course and driving range are a gathering place for a large number of diverse people from the surrounding community who have no other place to come together and share their common interest. Rezoning the golf course to allow more housing will eliminate one of the few facilities in the area that draw people from many cultural and economic backgrounds together, and will eliminate one of the few remaining open spaces in the area. Why not increase the housing stock in the area by eliminating the Mexican Heritage Center or the PAL field that appear to be far less used and require large city subsidies to remain open even after the cost of renting city-owned land is eliminated. Even the park across the street from the golf course will see diminished use because so many park users park their cars in the golf course parking lot while using the park.

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Why not focus on annexing the property of the former Pleasant Hills golf course into the city and developing that property which is larger, closer to planned light rail expansion, and currently unused and earning virtually no tax revenue?

**Davidson, John**

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**From:** BruceR948@aol.com  
**Sent:** Thursday, August 04, 2011 3:26 PM  
**To:** Davidson, John  
**Subject:** Rancho del Pueblo golf course

John Davidson,

Please add me to the list of people who support maintaining the Rancho del Pueblo golf course. There are other opportunities for housing within the city. There are houses surrounding the golf course that have not sold, so why build more. There is no other facility like this in east San Jose (short, 9-hole golf). Many of us who do not have the time or energy for 18 holes, rely upon this facility to get us outdoors and provide a place for our exercise and social contact...both beneficial to our health. It would be much easier to provide housing at another site without sacrificing the health of the community.

Bruce Reilly

**Davidson, John**

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**From:** John Whitaker [jswhitak@pacbell.net]  
**Sent:** Friday, August 05, 2011 9:58 AM  
**To:** Davidson, John  
**Subject:** Save Rancho del Pueblo

Mr. Davidson...

Please add my name to the list of people who support maintaining the Rancho del Pueblo golf course. There are many other opportunities and locations for additional housing within the city. There is no other facility like this in [east San Jose](#) (short, 9-hole golf). Many of us senior citizens who do not have the time or energy for 18 holes, rely upon this facility to get us outdoors and provide a place for our exercise and social contact...both beneficial to our health. Once this is gone, it will be cost-prohibitive to recreate elsewhere. It would be much easier to provide housing at another site without sacrificing the health of the community.

John Whitaker  
District 8 Resident  
(408) 274-9225  
jswhitak@pacbell.net

**Davidson, John**

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**From:** Noshaba Afzal [noshaba@projectglad.com]  
**Sent:** Monday, August 08, 2011 12:22 PM  
**To:** Davidson, John  
**Cc:** Calif Fairways Email HOA Neighbors  
**Subject:** Our Golf course

Hello John,

We have a crisis on our hands! Why is city is trying to sell our golf course to build hundreds of homes in order to balance their budget at our expense?

This is a nightmare, my neighbors & I imagine the hundreds of cars, congestion, noise, fire hazards from high density housing etc all squeezed into our backyards! This will have an enormous negative impact on our quality of life for our children & families. To get a sense of the additional chaos this sale will cause the city council & planning department needs to

just drive past King road to Rocketship school at dismissal time & you can get a sense of the chaos traffic. It starts just by the corner of King & Los Suenos [at 3pm](#) when school is in session. They built a great charter school at the end of Los Suenos, but it causes the traffic to back up all the way down to King road!

If we don't stop this from happening, the quality of life in our neighborhood will be gone.

The city needs to look at other options to balance their budget. We paid good money for our homes, even extra for a view of the course. Unfortunately the city has repeatedly made it clear, since it's 'Alum Rock' neighborhood, they can get away with this. If this was in Willow Glen area, they would never try this. We need the city to explore other options: 1) convert the golf course into a park (which I believe has less maintenance than all the grass up keep?) this would help build a strong place for the community to gather & strengthen together. Research shows strong community building is better for fighting the gang problems vs high density house in an already gang infested area.

2) The city should also sell Hays Mansion vs golf course. Selling the mansion would still keep it Historically preserved but generate revenue from the sale vs loss if income to keep it up. That sale would not directly impact nor have a negative affect the lives of hundreds of individuals like with our golf course.

3) The city needs to keep their commitment to open space. Emma Prusch would roll over in her grave if she knew the plans for the precious open space she donated to the city to be sold once again.

I respectfully ask the City to work to protect our quality of life in Alum Rock and keep the open space on the golf course. Please do not create a big problematic neighborhood in your effort to balance the budget. We homeowners work very hard, pay taxes, volunteer in our community, and chose to live in Alum Rock. We need the City to make the right decision and preserve this precious open space.

Thank you for your time on this critical matter.

Noshaba Afzal

Hermocilla resident & homeowner for 13 years

**Davidson, John**

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**From:** Stephanie Blankenship [stephblanken@yahoo.com]  
**Sent:** Monday, August 08, 2011 2:47 PM  
**To:** Office of Councilmember Nancy Pyle; Davidson, John  
**Cc:** The Office of Mayor Chuck Reed; Webmaster Manager; District5; District1; District2; District3; District4; District 6; District7; district8@sanjosecal.gov; District9; Glenn Herrell; rhtam2000@sbcglobal.net; peteduck40@hotmail.com; patrick.pizzo@sjsu.edu  
**Subject:** Proposed redevelopment of Rancho del Pueblo Golf Course

August 8, 2011

Dear Ms Pyle and Mr. Davidson,

We are writing to you regarding the proposed redevelopment of Rancho del Pueblo Golf Course. We have been members of the Almaden Senior golf group for over 5 years and have been using this course regularly for many years. In fact, Stephanie learned to play from the local course pro. Both of us enjoy the driving range, practice facilities and the course.

This course offers an ideal lay-out for anyone who wants to learn golf and/or improve their game. It is one of the few executive courses in the area that offers the challenge of longer par 3 holes and a par 4 hole. In addition, it is an affordable place to play and offers seniors a good venue to improve their health through exercise. Without this course, the Almaden Senior golf group will not have a comparable place to golf.

As long-time San Jose residents and taxpayers, we have looked forward to enjoying our local parks during our senior retirement years. It would be very unfortunate to lose a fine facility like Rancho del Pueblo to redevelopment. Therefore, we are writing to request the council preserve this course and vote against the redevelopment proposal.

Thank you for your consideration.

Sincerely,

O. Glenn Herrell and Stephanie Blankenship



# Save Our Trails!



Promoting trails in Santa Clara County for the benefit and enjoyment of all

To: Mr. John Davidson  
City of San Jose, Department of Planning, Building, and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113

SUBJECT: Comments on Draft EIR for Envision 2040 / Three Creeks Trail

August 8, 2011

Dear Mr Davidson:

**Save Our Trails: Connecting Santa Clara County Communities** is a California Not-for-Profit Corporation whose mission is *"To promote trails in Santa Clara County for the benefit and enjoyment of all people."* On behalf of Save Our Trails (SOT), I am writing to make you aware of a small error in the draft EIR (DEIR) for the Envision San José 2040 General Plan. This error is with respect to the path shown for the planned Three Creeks Trail.

After many months of deliberation, the Envision 2040 Task Force persuaded city staff to designate the entire right-of-way of the UPRR "Willow Glen Spur" as the path of the future Three Creeks Trail. However, the map on page 72 of Section 2 of the DEIR does not reflect this designation.

This map (Figure 2.2-17, labeled "Proposed Street Topology") shows the Three Creeks Trail proceeding southeast from a junction with the Los Gatos Creek Trail and ending at Minnesota Avenue. In accord with the decision reached by the Envision 2040 Task Force, it should be shown continuing to the east along the railroad right-of-way shown on the map, all the way to Senter Avenue, adjacent to Kelley Park.

We would appreciate it if you would correct this error, so the draft EIR corresponds to the actual Envision San José 2040 General Plan as proposed by the Task Force and as approved by the City Council.

Sincerely,

Martin Delson  
Secretary, SAVE OUR TRAILS  
Web: [www.saveourtrails-scc.org](http://www.saveourtrails-scc.org)



To Whom It May Concern:

File: GP10-05-01, File: PP09-011

Our family, residents at Hermocilla/King community, fully understand the current economic situation that the city is facing, the deficit and the need to raise revenue and cut spending. It is affecting our family as well. However, we are concerned about the plan to convert the golf course to residential housing for the following reasons. We would like to submit our comments to the planning committee and the city for consideration.

## SELECTION

1. Why is this golf course chosen? What about other city-owned properties? Must it be one of the 3 city-owned golf courses? We know the city is losing money on golf courses but what about the other two city golf-courses? Are they making money (net income/loss including debt payments)? Or are they losing as much or more than Rancho del Pueblo? This is a smaller course (9-hole vs 18-hole at Los Lagos) and maybe less popular than the other, but at the same time, it also means smaller expenses and smaller debt payments comparing to the other golf courses.
2. Our understanding is that the two golf courses (Rancho and Los Lagos) were built not too long ago and raised capital via issuing bond(s). Why was they built then and is now on the chopping block, not too long after, even before much benefits are realized? Does it mean much of the money already spent will be wasted?

Open space and the golf course is nice for families, kids, the community, the environment, and also the home values. Even this area is next to the 101 freeway, the golf course creates a much-needed buffer for everyone. People walk around the neighborhood daily and really enjoy the open space. This golf course targets beginners, including kids. All of these benefits will be gone when this open space and the golf course is gone.

## HOUSING

1. Is building more residential housing a sustainable and long-term solution at this economic time? Do we really need more houses?
2. Can the market handle more new houses when we got plenty of foreclosed houses and plenty of families "under-water" with their mortgages? Many people are waiting and hanging on to their houses since walking away mean they effectively realized the loss of their down-payment, which can be significant.

Housing is the reason that the whole country, including San Jose and our own family, got into this great recession. We're still in the middle of a very serious recession, not out of it yet. Real estates in this area are among the low end of the market and price dropped significantly since 2008 and have not recovered. The increase supply of new homes will put additional pressure to an already depressed market. Building more houses at the wrong location might be a bad idea. Selling this golf-course does reduce the debt for the city but it brings worries and hardship to many existing residents. It also means the original project, that built this golf-course, is now considered short-sighted and the loss is realized.

## TRAFFIC

Can King road at this junction handle the additional traffic?

Traffic and air pollution will increase significantly because many more people will use a limited number of roads to go in and out every day. The current community on Hermocilla/King is only about 200 single-family houses and this new plan is almost 3 times more than that (570 units). King/Story intersection was expanded not too long ago and it's already very busy, especially during peak hours. The exit ramp from/to 680 at both directions usually back up significantly during peak times, which can cause traffic hazards for drivers on the freeway. Any further expansion will only cause delay for residents, traffic jams, and additional expenses for the city and tax payers.

## CRIME

Crime will increase, simply because of the higher density of people. Alum Rock, East Side, 95116 is not the best neighborhood to start with. If it gets crowded with many more people, crime will definitely increase.

The shooting/killing with 2 men died in August 2010 at the newly-built apartment (San Antonio Ct, next to 101 freeway) is a worrisome example. The developer got financial subsidies from the city of San Jose for low-income housing. Residents there did complain about the plan before it was built. But their voices went nowhere. We regularly hear siren, see police cars, see fire trucks coming into it from our house. From this example, we will do everything we can to prevent the same issues from happening to our neighborhood. Some highlights from the article from Mercury News:

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

*"The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they've complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week."*

*"Neighbors said they protested vehemently when the city planned the housing complex. But 'it's tough to beat the city,' said Alfred Talamantes, president of the San Antonio Community Association. Another neighbor said auto burglaries are up, as are traffic problems and speeding."*

## SCHOOL

Can local schools that already have low test scores (Chavez, San Antonio) handle the additional number of children/students?

**DESIGN/PLANNING**

1. Does the city have the list of potential/prospective buyers? Who are they and what are their plans for this property?
2. Why 570 units? Is there a tentative/suggested blue-print or plan available to the public?
3. Are 570 units: condos, townhouses or single-detached houses?
4. How many levels will it be? How close to the property line will the future buildings/ structures be?
5. Since the golf-course has an L-shaped/U-shaped area, how will the access for this new resident community look like? Will access for cars, fire trucks, and police cars easy?
6. Will there be public streets or private streets for police patrol and public safety?
7. Will there be street connections to existing communities? Will it be a cul-del-sac or gated community?
8. Are there any open areas or community parks? How big are they and where are they located within the new community?
9. Is there a timeline that the developer/buyer must commit to (i.e buy now, build later)?
10. Will there be limitations, commitments, restrictions for the developer to address public issues?

**ALTERNATIVES**

1. Are there any other alternatives instead of housing or selling?
2. What about a low-maintenance public park?
3. What about selling a portion for housing development and leaving the rest open space or a public park?
4. What about waiting for a few more years before any decision for this site is considered again?

Sincerely,

Aug. 8, 2011  
Date

[Signature]  
Signature

\_\_\_\_\_  
Signature

1537 Hermocilla Way, SJ 95116  
Address

[Signature]  
Signature

\_\_\_\_\_  
Signature

To Whom It May Concern:

File: GP10-05-01, File: PP09-011



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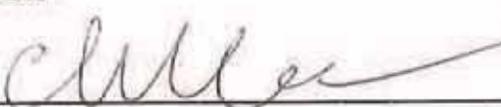
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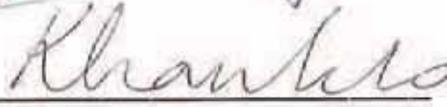
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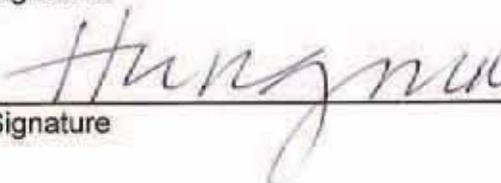
Sincerely,

8/8/2011  
Date

1625 Hermocilla Way, SJ 95116  
Address

  
Signature

  
Signature

  
Signature

  
Signature

**Davidson, John**

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**From:** City Owned Property  
**Sent:** Wednesday, August 10, 2011 12:17 PM  
**To:** Davidson, John  
**Subject:** Public comment FW: Oppose the sale of Rancho Del Pueblo

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**From:** LRRoundtable@aol.com [mailto:LRRoundtable@aol.com]  
**Sent:** Wednesday, August 10, 2011 10:35 AM  
**To:** City Owned Property  
**Subject:** Fwd: Oppose the sale of Rancho Del Pueblo

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From: YValenzuela@scscourt.org  
To: mayoremail@sanjoseca.gov  
CC: LRRoundtable@aol.com  
Sent: 8/8/2011 9:28:22 A.M. Pacific Daylight Time  
Subj: Oppose the sale of Rancho Del Pueblo

Hello Mayor Chuck Reed,

I'm resident of San Jose and active participant at La Raza Roundtable. I am adamantly opposed to the sale of Rancho Del Pueblo. Our community, especially our youth need a safe and positive way to stay busy. From my own witnessing the facility is always busy showing that community members, including youth are out enjoying themselves in a positive activity. I will be present at upcoming meetings and if a vote is allowed to San Jose residents I will take that opportunity to vote against it. East Side San Jose also deserves open spaces and driving ranges. We are an eclectic bunch and who enjoy "the better things in life" and it is confirmed by the attendance I see everyday on my way home from downtown San Jose to the area of King and Story where I reside. Rancho Del Pueblo is thriving with participants.

YVETTE VALENZUELA  
Probate Court Investigator  
Santa Clara Superior Court  
408-882-2843  
408-882-2797- FAX

**Davidson, John**

---

**From:** Phieu Truong [phil290@yahoo.com]  
**Sent:** Wednesday, August 10, 2011 12:23 PM  
**To:** District5; Davidson, John; cityownedproperty@sanjoseca.goc;  
 watch\_your\_neighbor@googlegroups.com; Robles, Steve; noshaba@projectglad.com;  
 bspadafore@gocompass.com; ac2634@att.com; tupidumont@yahoo.com  
**Cc:** Hontr@yahoo.com; Jinnynngn@yahoo.com  
**Subject:** Against 31-acre Rancho Del Pueblo Golf Course proposal

Dear San Jose City Council [Xavier Campos](#)

On August 17, 2011 We will have the community meeting with the San Jose City staff for the 31-acre Rancho Del Pueblo Golf Course could be a future development of the property with up to 570 residential units. We would like to against this proposal because :

- \* Add more traffic and more noise on King Rd, Story Rd, 101 & 680 Freeway and our neighborhood with more 570 new homes everyday. And City does not plan to expand more lanes in King, Story and our neighborhood streets.
- \* With more 570 new homes in the our neighborhood, City does not have plan to build more class, more school or more library and more a community recreational in our neighborhood.
- \* With more 570 new homes in the our neighborhood will create more people, more cars will decrease emergency services, such as polices cars, fire cars and ambulances, to attend to resident's need and neighborhood crimes quickly . Our neighborhood will be inconvenience for the public services and unsafety .

City could not sell this land to a builder 570 new homes for the City's budget situations and place our neighborhood with many inconvenience & unsafety life and with high density housing and less the public services, more gangsters...

City and builder would take money to walk away and leave us with more headaches and less & unsafety public services. This is not fair for our neighborhood.

Thank you for your helps  
 Sincerely yours,

Phil Truong  
 1612 Firestone Dr San Jose CA 95116

**Davidson, John**

---

**From:** STEVE ROBLES [steve\_robles@sbcglobal.net]  
**Sent:** Wednesday, August 10, 2011 6:13 PM  
**To:** Phieu Truong; District5; Davidson, John; cityownedproperty@sanjoseca.goc; watch\_your\_neighbor@googlegroups.com; noshaba@projectglad.com; bspadafore@gocompass.com; ac2634@att.com; tupidumont@yahoo.com  
**Cc:** Hontr@yahoo.com; Jinnynngn@yahoo.com  
**Subject:** Re: Against 31-acre Rancho Del Pueblo Golf Course proposal

I agree with what Phieu has written in his letter.  
 We don't need more traffic.  
 Our quality of life will suffer.  
 We need more "green" space not less.

Keep sending your concerns to the "City" leaders.

sincerely,  
 Steve Robles

---

**From:** Phieu Truong <phil290@yahoo.com>  
**To:** District5@sanjoseca.gov; John.Davidson@sanjoseca.gov; cityownedproperty@sanjoseca.goc; watch\_your\_neighbor@googlegroups.com; steve\_robles@sbcglobal.net; noshaba@projectglad.com; bspadafore@gocompass.com; ac2634@att.com; tupidumont@yahoo.com  
**Cc:** Hontr@yahoo.com; Jinnynngn@yahoo.com  
**Sent:** Wednesday, August 10, 2011 12:22 PM  
**Subject:** Against 31-acre Rancho Del Pueblo Golf Course proposal

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City and builder would take money to walk away and leave us with more headaches and less & unsafety public services. This is not fair for our neighborhood.

Thank you for your helps  
Sincerely yours,

Phil Truong  
1612 Firestone Dr San Jose CA 95116

**Davidson, John**

---

**From:** jinnyngn@yahoo.com  
**Sent:** Wednesday, August 10, 2011 9:22 PM  
**To:** District5; Davidson, John; Watch\_your\_neighbor@googlegroups.com; City Owned Property  
**Subject:** Against 31-acre Rancho Del Pueblo Golf Course proposal

Dear San Jose City Council [Xavier Campos](#),

On August 17, 2011 We will have the community meeting with the San Jose City staff for the 31-acre Rancho Del Pueblo Golf Course could be a future development of the property with up to 570 residential units. We would like to against this proposal because :

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City and builder would take money to walk away and leave us with more headaches and less & unsafety public services. This is not fair for our neighborhood.

Thank you for your helps  
Sincerely yours,

Jimmy Nguyen

**Davidson, John**

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**From:** City Owned Property  
**Sent:** Thursday, August 11, 2011 10:16 AM  
**To:** Davidson, John  
**Subject:** Public FW: Proposed sale of Rancho del Pueblo Golf Course

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**From:** RoseAmador@aol.com [mailto:RoseAmador@aol.com]  
**Sent:** Wednesday, August 10, 2011 2:05 PM  
**To:** The Office of Mayor Chuck Reed; City Clerk; District1; District2; District3; District4; District5; District 6; District7; District8; District9; Office of Councilmember Nancy Pyle; City Owned Property  
**Cc:** LRRoundtable@aol.com; eptexvet@yahoo.com; Herrera, Rose  
**Subject:** Proposed sale of Rancho del Pueblo Golf Course

**August 10, 2011**

**Honorable Mayor and City Council:**

I am writing to express my opposition to the proposed sale of Rancho del Pueblo Golf Course. This is undoubtedly, a loss of a unique community asset to a segment of our community that is most in need. The sale of the golf course further reduces accessibility of recreation access, as well as open space, to the underserved communities.

San Jose has experienced an increasing gang presence. Much of this is due to the lack of stimulating activities for youth, both in the schools and in our communities. Programs such as "The First Tee of San Jose" develops youth through golf and impacts the lives of young people by providing educational programs that build character, instill life-enhancing values and promote healthy choices through the game of golf. The majority of youth participants maintain an "A" or "B" average in school.

Eliminating another scarce resource to the community will save a few dollars and put many more youth at risk of positive activities and role models. Ultimately, our entire community will suffer as a result of this short-sightedness.

I strongly urge the Council to consider the adverse impact on our community and to not sale Rancho del Pueblo Golf Course.

Respectfully,

**Rose Amador**

*Rose "Cihuapilli" Amador, President & CEO  
Center for Training and Careers  
749 Story Road, Suite 10  
San Jose, CA 95122  
408-213-0961  
408-288-9020 Fax*

8/11/2011

## Davidson, John

---

**From:** Son Nguyen [trungson@gmail.com]  
**Sent:** Friday, August 12, 2011 1:36 PM  
**To:** Davidson, John  
**Subject:** Rancho Del Pueblo

To Whom It May Concern: File: GP10-05-01, File: PP09-011

Our family, residents at Hermocilla/King community, fully understand the current economic situation that the city is facing, the deficit and the need to raise revenue and cut spending. It is affecting our family as well. However, we are concerned about the plan to convert the golf course to residential housing for the following reasons. We would like to submit our comments to the planning committee and the city for consideration.

### SELECTION

1. Why is this golf course chosen? What about other city-owned properties? Must it be one of the 3 city-owned golf courses? We know the city is losing money on golf courses but what about the other two city golf-courses? Are they making money (net income/loss including debt payments)? Or are they losing as much or more than Rancho del Pueblo? This is a smaller course (9-hole vs 18-hole at Los Lagos) and maybe less popular than the other, but at the same time, it also means smaller expenses and smaller debt payments comparing to the other golf courses.

2. Our understanding is that the two golf courses (Rancho and Los Lagos) were built not too long ago and raised capital via issuing bond(s). Why was they built then and is now on the chopping block, not too long after, even before much benefits are realized? Does it mean much of the money already spent will be wasted?

Open space and the golf course is nice for families, kids, the community, the environment, and also the home values. Even this area is next to the 101 freeway, the golf course creates a much-needed buffer for everyone. People walk around the neighborhood daily and really enjoy the open space. This golf course targets beginners, including kids. All of these benefits will be gone when this open space and the golf course is gone.

### HOUSING

1. Is building more residential housing a sustainable and long-term solution at this economic time? Do we really need more houses?

2. Can the market handle more new houses when we got plenty of foreclosed houses and plenty of families "under-water" with their mortgages? Many people are waiting and hanging on to their houses since walking away mean they effectively realized the loss of their down-payment, which can be significant.

Housing is the reason that the whole country, including San Jose and our own family, got into this great recession. We're still in the middle of a very serious recession, not out of it yet. Real estates in this area are among the low end of the market and price dropped significantly since 2008 and have not recovered. The increase supply of new homes will put additional pressure to an already depressed market. Building more houses at the wrong location might be a bad idea. Selling this golf-course does reduce the debt for the city but it brings worries and hardship to many existing residents. It also means the original project, that built this golf-course, is now considered short-sighted and the loss is realized.

### TRAFFIC

Can King road at this junction handle the additional traffic?

Traffic and air pollution will increase significantly because many more people will use a limited number of roads to go in and out every day. The current community on Hermocilla/King is only about 200 single-family houses and this new plan is almost 3 times

more than that (570 units). King/Story intersection was expanded not too long ago and it's already very busy, especially during peak hours. The exit ramp from/to 680 at both directions usually back up significantly during peak times, which can cause traffic hazards for drivers on the freeway. Any further expansion will only cause delay for residents, traffic jams, and additional expenses for the city and tax payers.

#### CRIME

Crime will increase, simply because of the higher density of people. Alum Rock, East Side, 95116 is not the best neighborhood to start with. If it gets crowded with many more people, crime will definitely increase.

The shooting/killing with 2 men died in August 2010 at the newly-built apartment (San Antonio Ct, next to 101 freeway) is a worrisome example. The developer got financial subsidies from the city of San Jose for low-income housing. Residents there did complain about the plan before it was built. But their voices went nowhere. We regularly hear sirens, see police cars, see fire trucks coming into it from our house. From this example, we will do everything we can to prevent the same issues from happening to our neighborhood. Some highlights from the article from Mercury News:

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

"The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they've complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week."

"Neighbors said they protested vehemently when the city planned the housing complex. But "it's tough to beat the city," said Alfred Talamantes, president of the San Antonio Community Association. Another neighbor said auto burglaries are up, as are traffic problems and speeding."

#### SCHOOL

Can local schools that already have low test scores (Chavez, San Antonio) handle the additional number of children/students?

#### DESIGN/PLANNING

1. Does the city have the list of potential/prospective buyers? Who are they and what are their plans for this property?
2. Why 570 units? Is there a tentative/suggested blue-print or plan available to the public?
3. Are 570 units: condos, townhouses or single-detached houses?
4. How many levels will it be? How close to the property line will the future buildings/structures be?
5. Since the golf-course has an L-shaped/U-shaped area, how will the access for this new resident community look like? Will access for cars, fire trucks, and police cars be easy?
6. Will there be public streets or private streets for police patrol and public safety?
7. Will there be street connections to existing communities? Will it be a cul-de-sac or gated community?
8. Are there any open areas or community parks? How big are they and where are they located within the new community?
9. Is there a timeline that the developer/buyer must commit to (i.e buy now, build later)?
10. Will there be limitations, commitments, restrictions for the developer to address public issues?

#### ALTERNATIVES

1. Are there any other alternatives instead of housing or selling?
2. What about a low-maintenance public park?
3. What about selling a portion for housing development and leaving the rest open space or a public park?
4. What about waiting for a few more years before any decision for this site is

considered again?

Sincerely,

Son Nguyen  
Eileen Mai  
1537 Hermocilla Way, San Jose, CA 95116



## **GREAT OAKS WATER COMPANY**

August 12, 2011

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

City of San José  
Department of Planning, Building,  
and Code Enforcement  
Attention: John Davidson  
200 East Santa Clara Street, 1<sup>st</sup> Floor  
San José, CA 95113

**RE: COMMENTS TO THE ENVISION SAN JOSE 2040 GENERAL PLAN**  
File No.: PP09-011 Council District: Citywide

Dear Mr. Davidson:

The following are the comments of Great Oaks Water Company (Great Oaks) to the Envision San José 2040 General Plan (Plan). Should you have any questions, please contact the undersigned.

### **General Comments**

These comments are primarily directed to water supply issues and, more particularly, to the Water Supply Assessments included in Appendix I of the Plan. But it is also necessary to comment on the speculative and theoretical nature of the Plan itself.

The City of San José has engaged in various planning processes over the years. Among those efforts have been plans detailing proposed development in the Coyote Valley area, none of which have come to fruition or even gone beyond the drawing board. The Plan includes proposed development in the Coyote Valley area again. If history is any indication of eventual success in planning activities, the Plan's proposals for Coyote Valley are not likely to become reality.

In the context of Water Supply Assessments for the Plan, the probably that the Plan will not mirror eventual reality must be considered. Water Supply Assessments for the Coyote Valley area submitted for the Plan will most likely be completely obsolete when or if development takes place in Coyote Valley. The law will require new Water Supply Assessments in that event. Great Oaks will provide any required Water Supply Assessments at that time.

## **Comments to Plan Discussion of Water Utility Services**

The Plan's discussion of groundwater basins (beginning at page 324) is incorrect. According to the California Department of Water Resources, there is no Coyote Valley Sub-basin of the Santa Clara Valley Groundwater Basin, yet the Plan makes specific reference to a Coyote Valley Sub-basin.

Much of the Plan is based upon Urban Water Management Plans that were prepared for 2005 and are now obsolete. Great Oaks' 2010 Urban Water Management Plan is attached hereto and incorporated into these comments.

The Plan's discussion of the regulatory framework (beginning at page 634) makes no reference to the California Public Utilities Commission (CPUC) which regulates the vast majority of the water service currently provided within the City of San José. This omission is significant, as the CPUC is increasing its presence in areas pertinent to the Plan, including water conservation.

## **Comments to City of San José Water Supply Assessment**

### Service Area Issues

The Plan contemplates development within Great Oaks' service area. It is and will be unlawful for the City to provide water service in Great Oaks' service area. Any such action would likely result in significant and prolonged litigation. The City's Water Supply Assessment does not address these factors.

The Water Supply Assessment for the City of San José does not address the financial condition of the City itself, which is and will likely continue to be a major obstacle to expansion of the City's Municipal Water System. The minimal water supply assets the City currently has in place are admittedly insufficient to provide adequate water supplies for development in Coyote Valley. The failure to address the fiscal issues is not insignificant.

Great Oaks' 2010 Urban Water Management Plan (UWMP) (attached and incorporated into these comments by reference) evidences Great Oaks' ability to provide water service to the areas of proposed development under Plan scenarios.

### Non-Potable Water Issues

The City's Water Supply Assessment appropriately states that recycled water use for irrigation is not planned for Coyote Valley due to environmental concerns. Those environment concerns are not limited to the use of recycled water for irrigation in Coyote Valley. Environmental concerns exist for all uses of recycled water to the extent that the recycled water will contaminate groundwater supplies if permitted to enter surface water

or groundwater supplies. Recent experiments on the expanded use of recycled water indicate a very high risk of groundwater contamination. The City's Water Supply Assessment inadequately addresses this important environmental and water supply issue.

### Water Supply

Highlighting the inadequacy of the City's Water Supply Assessment is the discussion of Coyote Valley water supplies. The groundwater wells referenced cannot provide adequate water supplies for the Plan. More wells would be required and the financial ability of the City to fund expansion of its Coyote Valley water system assets is questionable. No infrastructure currently exists to supply treated water in Coyote Valley. Expanded use of recycled water presents a high environmental risk. And any expanded use of recycled water in Coyote Valley would require massive financial investment by government agencies that presently lack the necessary financial resources for that investment.

The City's Water Supply Assessment makes reference to the Santa Clara Valley Basin and two so-called sub-basins located therein, the Santa Clara Sub-basin and the Coyote Valley Sub-basin. The California Department of Water Resources does not recognize the existence of a Coyote Valley Sub-basin, but instead includes groundwater in Coyote Valley to be within the Santa Clara Sub-basin of the Santa Clara Valley Basin. The City's Water Supply Assessment is factually inaccurate in this regard and is apparently based upon obsolete and outdated information.

Reference is made in the City's Water Supply Assessment to the need for additional Coyote Valley wells to provide the necessary water supplies for the Plan. Reference is also made to the issue of water rights and that the Santa Clara Valley Groundwater Basin is not an adjudicated basin. To the extent that new wells established by the City would interfere with Great Oaks water supply, it may be necessary to initiate basin adjudication proceedings. The City's Water Supply Assessments fails to take this factor into account.

### Water Resources Management

The City's Water Supply Assessment makes no mention of the probable changes to the Santa Clara Valley Water District's groundwater recharge facilities in Coyote Valley. These likely changes may negatively affect the City's existing wells in that region. This omission makes the City's Water Supply Assessment inadequate.

### **Comments to San Jose Water Company Water Supply Assessment**

The Water Supply Assessment submitted by San Jose Water Company (SJWC) is generally consistent with its 2010 Urban Water Management Plan. As SJWC does not position itself as a water service provider for the Coyote Valley or any other portion of Great Oaks' service area, Great Oaks has no additional comments for SJWC's Water Supply Assessment.

## Closing Comments

The Plan is the most recent in a series of plans for the City of San José. When, or if, elements of the Plan affecting Great Oaks come to fruition, Great Oaks will provide updates to its ability to provide water service.

Great Oaks Water Company



Timothy S. Guster  
Vice President and General Counsel  
Legal and Regulatory Affairs

Attachment: Great Oaks Water Company 2010 Urban Water Management Plan



Great Oaks Water Company  
Urban Water Management Plan  
2010

Prepared by  
Great Oaks Water Company  
20 Great Oaks Boulevard, Suite 120  
San Jose, California 95119  
[www.greatoakswater.com](http://www.greatoakswater.com)

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## **Executive Summary**

Great Oaks Water Company (Great Oaks) was founded in 1959 and has provided high quality water service to its customers for more than half a century. All of the water served by Great Oaks is sourced from the abundant underground water supplies in the Santa Clara Valley Groundwater Basin. Due to Great Oaks' management, Great Oaks customers receive great tasting water at the lowest California Public Utilities Commission (CPUC) rates in the County.

This Urban Water Management Plan (UWMP) complies with all legal requirements, including the requirements of the Water Conservation Bill of 2009 (including SBX7-7) that call for a statewide reduction in urban water use of 20% by the year 2020.

Great Oaks has analyzed its sources of water during normal and dry years and has concluded that it will have sufficient water available to meet demand projections through the year 2035. Great Oaks expects and will require the Santa Clara Valley Water District to comply with all legal requirements and responsibilities pertaining to the Santa Clara Valley Groundwater Basin during this period of time.



## **I. Introduction**

Great Oaks has prepared this Urban Water Management Plan (UWMP) in accordance with the California Urban Water Management Planning Act (Water Code Division 6, Part 2.6, Sections 10610 through 10657). This is an update to Great Oaks' 2005 UWMP and provides new and detailed information required by the Water Conservation Bill of 2009. Included within this UWMP is information on water use and conservation as required by SBX7-7 which, generally, requires a statewide 20% reduction in water use by the year 2020.





## II. Public Participation

### A. Applicable Law

#### Water Code Section 10642

*Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan. Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area. After the hearing, the plan shall be adopted as prepared or as modified after the hearing.*

### B. Public Participation

Great Oaks has actively encouraged community participation in its urban water management planning efforts since the first plan was adopted in 1985. Public meetings were held for the 1985, 1990, 1995, 2000, 2005 and 2010 plans.

For the 2010 Urban Water Management Plan, a public meeting was held on June 30, 2011 at the Great Oaks offices. Public comments and opinions were solicited for review and comment on the draft plan before the plan was adopted by the company's Board of Directors.

Notice of the public meeting was published in the San Jose Mercury News on April 29, 2011 and also on May 6, 2011. Copies of the draft plan were made available at Great Oaks' offices prior to the public meeting. A copy of the public meeting notice is included in the Appendix.

### C. Plan Adoption

Great Oaks prepared this update of its Urban Water Management Plan during the last quarter of 2010 and the first quarter of 2011. The updated Plan was adopted by the Great Oaks Board of Directors on June 30, 2011. The Plan will be submitted to the California Department of Water Resources on or before July 31, 2011. The Appendix of the Plan includes a true and accurate copy of the Corporate Resolution of Urban Water Management Plan Adoption. This Plan includes all information necessary to fulfill the requirements of the California Water Code.





**III. Agency Coordination**

**A. Applicable Law**

Water Code Section 10620(d)(2)

*Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.*

**B. Coordination with Appropriate Agencies**

The vast majority of Great Oaks’ service area is within the City of San Jose. Two other water utilities, San Jose Water Company (SJWC) and San Jose Municipal Water System (SJMWS), also provide water service within the City of San Jose and, to the extent SJWC and SJMWS utilize the Santa Clara Valley Groundwater Basin (DWR Bulletin 118 Groundwater Basin Number 2-9) as a source of supply, Great Oaks shares a source of supply with those utilities. The Santa Clara Valley Water District (SCVWD) is the local water management agency responsible for groundwater management; however, SCVWD is not a water utility and does not supply water to Great Oaks.

Great Oaks, SJWC and SJMWS are regular members of the SCVWD Retailer Committee and Water Supply, Water Conservation and Groundwater Subcommittees. Great Oaks regularly attends and participates in these committee and subcommittee meetings and receives electronic email updates on committee and subcommittee activities and reports throughout each year. Urban Water Management Plans have been discussed at such meetings in advance of the submission date for 2010 Urban Water Management Plans, and Great Oaks considers such discussions to be participation in the development of this UWMP. Great Oaks also attended and participated in a workshop devoted to Urban Water Management Plan preparation conducted by the California Department of Water Resources (DWR) held at SCVWD in February 2011. Table 1 provides further information regarding Great Oaks’ coordination with appropriate agencies.

Table 1 – Coordination with Appropriate Agencies

Coordinating Agencies	Participated/Invited to Participate in developing Plan	Commented on Draft Plan	Attended Public Meetings	Contacted For Assistance	Sent/Made Available copy of Draft Plan	Sent Notice of Intention to Adopt	Not Involved Or No Information
SJWC	x				x	x	
SJMWS	x				x	x	
SCVWD	x				x	x	
General Public	x				x	x	





**IV. Supplier Service Area**

**A. Applicable Law**

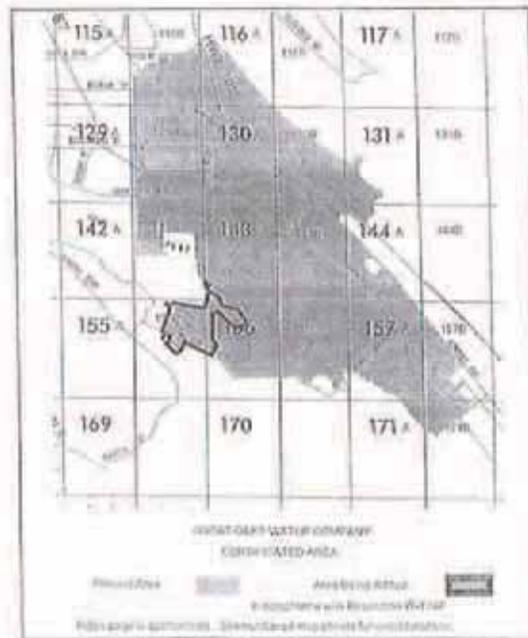
Water Code Section 10631

*A plan shall be adopted in accordance with this chapter that shall do all of the following:*

*Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.*

**B. Description of Service Area**

Great Oaks' service area is as authorized by the CPUC. Presently, Great Oaks' CPUC-authorized service area is reflected on Great Oaks' Tariff Sheet No. 493-W and is as shown below.



Generally, Great Oaks' service area includes a portion of the southern end of the City of San Jose known as the Edenvale, Blossom Valley, SE Almaden Valley and Coyote Valley area. Snell Avenue roughly bound the area on the West, the Silver Creek Ridge on the East, Palm Avenue (in Coyote Valley) on the South and Riverview Drive on the North.



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Historically, the City of San Jose has infringed upon Great Oaks' CPUC-authorized service area and such action by the City of San Jose has been the subject of litigation. No litigation is pending as of the date of this Plan. This Plan is prepared based upon the assumption that the City of San Jose will not further infringe upon Great Oaks' CPUC-authorized service area. Growth projections are based upon the assumption that Great Oaks will be the water service provider to its entire CPUC-authorized service area and the logical and approved extensions thereto.

### C. Climate

According to the United States Department of Commerce, National Oceanographic and Atmospheric Administration ("NOAA"):

San Jose's latitude and location on the west coast of North America place the city in a Mediterranean type climate. This classification is mainly identified by sharply contrasting wet and dry seasons. The wet season runs from November through March. 82% of the yearly precipitation total falls within this period. Rainfall is sparse from May through October. Rain during the summer months of June, July and August normally totals only 0.20". Wet seasons are cool, but mild. Dry season weather is very consistent, with warm sunny days.

### D. Current and Projected Population

Great Oaks has estimated the population of its service area using the Alternative Methodology for Service Area Population provided in Appendix A of DWR's Methodologies for Calculating Baseline and Compliance Per Capita Water Use.

Based upon this methodology, the 2010 population in Great Oaks' CPUC-authorized service area is calculated to be 92,995. The Association of Bay Area Governments (ABAG) has projected population growth to be modest in the future, growing at a rate of 1.1 to 1.5% per year. Table 2 shows the Current and Projected Population in Great Oaks' CPUC-authorized service area based upon a projected 1.3% growth per year.

Table 2 – Population of Great Oaks' Service Area

2005	2010	2015	2020	2025	2030	2035
91,273	92,995	99,199	105,817	112,878	120,407	128,439

In recent years, the City of San Jose has engaged in various planning activities in an apparent effort to control development in the undeveloped areas of the City and in contiguous unincorporated areas of Santa Clara County. At the time Great Oaks prepared its 2005 UWMP, the City had planned for development in Coyote Valley, a geographic area already partially included within Great Oaks' CPUC-authorized service area and comprising the natural and logical extensions of Great Oaks' CPUC-authorized service area (generally) to the South. In the years since the submission of the 2005 UWMP, the City's planning efforts have changed direction, and those planning efforts will likely change direction one or more times in the coming years depending upon



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factors including politics, the economy, availability of natural resources, including water, and population growth. Great Oaks is capable and well-positioned to provide water service within its CPUC-authorized service area and the natural and logical extensions thereto under numerous development scenarios, including high-growth, high density planned communities, as were envisioned in 2005.

In the past two years, two large multi-family residential and/or mixed use (residential and commercial) projects in Great Oaks' service area have been the subject of water supply assessments requested of and submitted by Great Oaks. If both projects go forward, then as many as 4,400 residential living units may be added to the population in Great Oaks' service area. This has the potential of increasing the residential population in Great Oaks' service area by more than 15,000. It is not known at this time precisely how many additional service connections will be added if these projects move forward and are completed, but a reasonable estimate is that 500 service connections (a combination of single-family and multi-family service connections) will be added. It is expected that with the new construction, water use appliances and landscaping water uses will be modern and highly efficient.





**V. System Demands**

**A. Historical and Current Demands**

Great Oaks provides water service to several classes of customers: single-family residential; multi-family residential; business; industrial; public authorities; schools; private landscapes; and agriculture. Agriculture water sales are not included in this analysis. In addition, Great Oaks provides water for public and private fire protection throughout its service area. All of Great Oaks' customers have metered service.

Table 3A, below, shows historical and current deliveries within Great Oaks' service area by customer class per acre foot (AF). Table 3B displays the same data per million gallons (MG).

Table 3A – Water Sales by Customer Class (AF)

Customer Class	2000	2005	2010
Single-Family Residential	7,994	7,577	6,693
Multi-Family Residential	1,654	1,700	1,605
Business	786	819	795
Industrial	424	264	212
Public Authorities	457	353	313
Schools	424	430	350
Private Landscapes	681	648	568
Totals	12,420	11,791	10,536

Table 3B – Water Sales by Customer Class (MG)

Customer Class	2000	2005	2010
Single-Family Residential	2,605.33	2,468.70	2,180.90
Multi-Family Residential	538.78	553.85	522.94
Business	255.92	267.23	259.41
Industrial	138.37	86.29	69.49
Public Authorities	149.19	114.54	101.85
Schools	138.09	140.15	113.77
Private Landscapes	222.08	211.30	184.65
Totals	4,047.76	3,842.06	3,433.01





Table 4A shows actual water deliveries in 2010 measured in AF; Table 4B shows actual water deliveries in 2010 measured in MG (Million Gallons).

Table 4A – Actual Water Deliveries 2010 (AF)

Water Use Sectors	# of accounts	Volume (AF)	Unmetered	Totals
Single-Family Residential	19,456	6,693	NA	6,693
Multi-Family Residential	475	1,605	NA	1,605
Business/Commercial	292	795	NA	795
Industrial	46	212	NA	212
Public Authority	145	313	NA	313
Schools	34	350	NA	350
Private Landscape	174	568	NA	568
Total	20,625	10,536	NA	10,536

Table 4B – Actual Water Deliveries 2010 (MG)

Water Use Sectors	# of accounts	Volume (MG)	Unmetered	Totals
Single-Family Residential	19,456	2,180.90	NA	2,180.90
Multi-Family Residential	475	522.94	NA	522.94
Business/Commercial	292	259.41	NA	259.41
Industrial	46	69.49	NA	69.49
Public Authority	145	101.85	NA	101.85
Schools	34	113.77	NA	113.77
Private Landscape	174	184.65	NA	184.65
Total	20,625	3,433.01	NA	3,433.01

## B. Projected Water Demand

Great Oaks' account numbers have increased by 1.01% over the five-year period ending 2009. On average, account numbers during this period of time have increased at 0.2% annually. During this same period of time, water usage declined by 4.18%, for an average decline of 0.84% per year. Additional accounts for the projects referenced in Section IV.D., above, are not included in these projections. Clearly, however, when supply is compared to demand (Section VII.I., below), Great Oaks has sufficient supply to meet demand even when an additional 15,000 residents (with 500 new service connections) are included. Projected account numbers and volume water deliveries for 2015 and beyond are listed in Tables 5, 6 and 7, below.



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Table 5A – Projected Water Deliveries in 2015 (AF)

Water Use Sectors	# of accounts	Volume (AF)	Totals
Single-Family Residential	19651	6,411	6,411
Multi-Family Residential	480	1,538	1,538
Business/Commercial	295	764	764
Industrial	46	206	206
Public Authority	146	301	301
Schools	34	335	335
Private Landscape	176	543	543
Total	20,828	10,098	10,098

Table 5B – Projected Water Deliveries in 2015 (MG)

Water Use Sectors	# of Accounts	Volume (MG)	Totals
Single-Family Residential	19651	2,089.74	2,089.74
Multi-Family Residential	480	501.07	501.07
Business/Commercial	295	248.56	248.56
Industrial	46	66.58	66.58
Public Authority	146	97.59	97.59
Schools	34	109.01	109.01
Private Landscape	176	176.93	176.93
Total	20,828	3,289.48	3,289.48

Table 6A – Projected Water Deliveries in 2020 (AF)

Water Use Sectors	# of Accounts	Volume (AF)	Totals
Single-Family Residential	19,847	6,144	6,144
Multi-Family Residential	485	1,473	1,473
Business/Commercial	298	730	730
Industrial	47	196	196
Public Authority	148	288	288
Schools	35	319	319
Private Landscape	177	522	522
Total	21,037	9,672	9,672

Table 6B – Projected Water Deliveries in 2020 (MG)

Water Use Sectors	# of Accounts	Volume (MG)	Totals
Single-Family Residential	19,847	2,002.39	2,002.39
Multi-Family Residential	485	480.14	480.14
Business/Commercial	298	238.17	238.17
Industrial	47	63.80	63.80
Public Authority	148	93.51	93.51
Schools	35	104.46	104.46
Private Landscape	177	169.53	169.53
Total	21,037	3,152	3,152



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Table 7A – Projected Water Deliveries 2025 – 2035 (AF)

Water Use Sector	2025 Accounts	2025 Volume	2030 Accounts	2030 Volume	2035 Accounts	2035 Volume
Single-Family	20,046	5,889	20,246	5,641	20,448	5,407
Multi-Family	489	1,412	494	1,353	499	1,295
Business	301	865	304	672	307	644
Industrial	47	187	48	181	48	172
Public Authority	149	276	151	264	152	252
Schools	35	307	35	295	36	282
Private Landscaping	179	497	181	479	183	457
Total	21,246	9,433	21,459	8,885	21,673	8,509

Table 7B- Projected Water Deliveries 2025-2035 (MG)

Water Use Sector	2025 Accounts	2025 Volume	2030 Accounts	2030 Volume	2035 Accounts	2035 Volume
Single-Family	20,046	1,918.69	20,246	1,838.49	20,448	1761.64
Multi-Family	489	460.07	494	440.84	499	422.41
Business	301	282.22	304	218.68	307	209.54
Industrial	47	61.13	48	58.58	48	56.13
Public Authority	149	89.60	151	85.86	152	82.27
Schools	35	100.09	35	95.91	36	91.90
Private Landscaping	179	162.45	181	155.66	183	149.15
Total	21,246	2,994.25	21,459	2,894.02	21,673	2,773.04

Approximately 1.5% of Great Oaks' single-family residential customers participate in Great Oaks' low-income assistance program. In 2010, it is estimated that Great Oaks' low-income customers accounted for 1.5% of the single-family residential water demand. Great Oaks has used this percentage of single-family residential water demand to calculate the low-income water demand through 2035. Great Oaks does not possess information regarding the number of low-income residents in multi-family residential units within Great Oaks' service area. The following Table 8 lists the projected water demand for single-family residential low-income customers.

Table 8 – Low Income Projected Water Demand (CCF)

Low Income Water Demands	2015	2020	2025	2030	2035
Single-Family Residential	41,907	40,155	38,476	36,868	35,327

Great Oaks does not presently sell water to outside agencies, although it does have a CPUC-authorized tariff should opportunities for such water sales occur. In the past several years, Great Oaks has offered to provide water to SCVWD in the event of an emergency situation that prevents SCVWD from delivering water from its water treatment facilities. The volume of water Great Oaks offered was up to 20 MG/day for the duration of the emergency (likely up to 30 days). The approximate total of 600 MG



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(or 1,841 AF) is available from Great Oaks' supply. SCVWD has not responded favorably to Great Oaks' offer, and has instead pursued what it initially called its "Infrastructure Reliability Project" to create infrastructure and well fields to utilize groundwater in the event of emergency. SCVWD's projected costs are well above \$100 million, whereas the cost to accept Great Oaks' offer of emergency water supply would be a fraction of that amount. No water sales to other agencies are projected at this time.

Table 9 – Sales to Other Water Agencies

Water Distributed	2005	2010	2015	2020	2025	2030	2035
None	0	0	0	0	0	0	0

C. Additional Water Uses and Losses

On average over the past decade, approximately 4.4% of water produced from Great Oaks' groundwater wells is categorized as "unaccounted for water." Translating "unaccounted for water" to a percentage of total water produced is simply a method of producing a "snapshot" view of system losses. Using the historical percentage of "unaccounted for water" for future projections can be misleading, as, for example, the City of San Jose Fire Department performed very little hydrant flushing in 2010 due to drought concerns. Also, as water transmission mains and service connections age, actual water losses are expected to increase. For purposes of this projection, Great Oaks will use 2005 as the baseline and project an additional 50 AF in water losses every five years. The following table 10 lists the water losses represented by "unaccounted for water."

Table 10A – Additional Water Uses and Losses (AF/Year)

Water Use	2005	2010	2015	2020	2025	2030	2035
System Losses	543	485	593	643	693	743	793

Table 10B – Additional Water Uses and Losses (MG/Year)

Water Use	2005	2010	2015	2020	2025	2030	2035
System Losses	176.83	158.00	193.23	209.52	225.82	242.11	258.40



Tables 11A and 11B summarize Great Oaks' total projected water demand through 2035.

Table 11A – Total Water Demand (AF/Year)

Water Use	2005	2010	2015	2020	2025	2030	2035
Total Water Deliveries (Tables 3 – 7)	11,791	10,536	10,098	9,672	9,433	8,885	8,509
Sales to Other Agencies (Table 9)	0	0	0	0	0	0	0
Additional Water Uses And Losses (Table 10)	543	485	593	643	693	743	793
Total	12,334	11,021	10,691	10,315	10,126	9,628	9,302

Table 11B – Total Water Demand (MG/Year)

Water Use	2005	2010	2015	2020	2025	2030	2035
Total Water Deliveries (Tables 3 – 7)	3,842.06	3,433.01	3,289.48	3,152.00	2,994.25	2,894.02	2,773.04
Sales to Other Agencies (Table 9)	0	0	0	0	0	0	0
Additional Water Uses And Losses (Table 10)	176.83	158.00	193.23	209.52	225.82	242.11	258.40
Total	4,018.89	3,591.01	3,482.71	3,361.52	3,220.07	3,136.13	3,031.44

#### D. Retail Agency Demand Projections

Groundwater is Great Oaks' sole source of supply. The total water demand from the Santa Clara Valley Groundwater Basin for the years 2010 through 2035 is provided in Tables 12A and 12B, below.



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Table 12A – Retail Agency Demand Projections (AF/Year)

Source of Supply	2010	2015	2020	2025	2030	2035
Santa Clara Valley Groundwater Basin	11,021	10,691	10,315	10,126	9,628	9,302

Table 12B – Retail Agency Demand Projections (MG/Year)

Source of Supply	2010	2015	2020	2025	2030	2035
Santa Clara Valley Groundwater Basin	3,591.01	3,482.71	3,361.52	3,220.07	3,136.13	3,031.44





## VI. Baseline and Target Determination

Each urban water retail supplier is required to include the following in its UWMP:

Baseline daily per capital water use – how much water is used within an urban water supplier’s distribution system area on a per capita basis. It is determined using water use and population estimates from a defined range of years.

Urban water use target – how much water is planned to be delivered in 2020 to each resident within an urban water supplier’s distribution system area, taking into account water conservation practices that currently are and plan to be implemented.

Interim urban water use target – the planned daily per capita water use in 2015, a value halfway between the baseline daily per capita water use and the urban water use target.

The Water Conservation Bill of 2009 requires a water supplier (like Great Oaks) to complete the following four steps to meet 2010 UWMP requirements:

- Step 1. Determine base daily per capita water use.
- Step 2. Determine urban water use targets.
- Step 3. Compare urban water use targets to a 5-year baseline.
- Step 4. Determine interim urban water use target.



### Step 1

Great Oaks base period ranges are provided in Table 13, below.



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Table 13 – Base Period Ranges

Base	Parameter	Value	AF	MG
10 – 15 Year Base Period	2008 Total Water Deliveries	//	12,407	4,043.17
	2008 Total Volume of Delivered Recycled Water	//	0	0
	2008 Recycled Water as % of Total Deliveries	//	0	0
	Number of Years in Base Period	10	//	//
	Year Beginning Base Period Range	1999	//	//
	Year Ending Base Period Range	2008	//	//
5-year Base Period	Number of Years in Base Period	5	//	//
	Year Beginning Base Period Range	2004	//	//
	Year Ending Base Period Range	2008	//	//

Great Oaks has a base daily per capita water use of 120.637 gpcd for the 10-year range as shown in Table 14, below. The gross water use includes all potable metered water use. System population figures are based upon Great Oaks' service area population for this 2010 UWMP (Table 2), with an appropriate adjustment for 1999.

Table 14 – Base Daily per Capita Water Use (10-Year Range)

Base Period Year		Distribution System Population	Daily System Gross Water Use (MGD)	Annual Daily Per capita water use (gpcd)
Sequence Year	Calendar Year			
1	1999	89,588	10.846	121.065
2	2000	90,768	11.111	122.411
3	2001	91,060	11.318	124.292
4	2002	91,060	11.225	123.270
5	2003	91,116	11.048	121.252
6	2004	91,104	11.197	122.904
7	2005	91,273	10.526	115.324
8	2006	91,998	10.677	116.057
9	2007	92,215	11.135	120.750
10	2008	92,796	11.047	119.046
Base Daily Per Capita Water Use				120.637

Step 2

Urban water suppliers may use one or more of four methods to determine the urban water use target:

- Method 1: 80% of base daily per capita water use
- Method 2: Performance Standards
- Method 3: 95% of regional target
- Method 4: Water Savings

Great Oaks has chosen to use Method 1 to determine its urban water use target.

$$80\% \text{ of daily per capita water use} = 96.510$$



Great Oaks' projected water demand in 2020 is 3,152 (MG) or 8.612.022 MGD. Based upon projected 2020 service area population of 105,817 (Table 2), Great Oaks projects that daily per capita water use in 2020 will be 81.386 gpcd, well below its urban water use target.

**Step 3**

To verify Great Oaks' urban water use target, a confirmation of a 5-year based daily per capita water use value is required. Table 15 shows Great Oaks' base daily per capita water use calculations for the 5-year range.

Table 15 – Base Daily per Capita Water Use (5-Year Range)

Base Period Year		Distribution System Population	Daily System Gross Water Use (MGD)	Annual Daily Per Capital Water Use (gpcd)
Sequence Year	Calendar Year			
Year 1	2004	91,104	11.197	122.904
Year 2	2005	91,273	10.526	115.324
Year 3	2006	91,998	10.677	116.057
Year 4	2007	92,215	11.135	120.750
Year 5	2008	92,796	11.047	119.046
Base Daily Per Capita Water Use				118.816

Great Oaks' base daily per capita water use for the 5-year range is 118.816 gpcd. Ninety five percent (95%) of the daily per capita water use for the 5-year range is 112.875 gpcd. Great Oaks' urban water use target, based upon Method 1, is 96.510 gpcd, which is less than 95% of the 5-year base daily per capita water use calculated in Step 3. Great Oaks projects that it will meet both the Method 1 and Method 3 goals.

**Step 4**

Great Oaks' interim urban water use target is the water use goal Great Oaks is to achieve and report in its 2015 UWMP. This interim water use target is calculated as the average of Great Oaks' base daily per capita water use from Table 14 (120.637 gpcd) and Great Oaks' urban water use target (96.510 gpcd), or 108.574 gpcd.

Great Oaks' projected 2015 metered usage (Table 5B) is 3,289.48 MG, and its projected 2015 service area population (Table 2) is 99,199. Great Oaks' projected daily per capita water use in 2015 is 90.837 gpcd, which is lower than Great Oaks' interim urban water use target of 108.574 gpcd.





## VII. Sources of Supply

Great Oaks owns and operates nineteen (19) groundwater wells located on property owned by Great Oaks. Great Oaks owns all water rights associated with and appurtenant to its properties.

All nineteen groundwater wells draw from the Santa Clara Valley Groundwater Basin (DWR Bulletin 118 Groundwater Basin Number 2-9). The Santa Clara Valley Groundwater Basin is an unadjudicated basin. The Santa Clara Valley Water District is statutorily responsible for managing the groundwater basin within its jurisdiction, including the Santa Clara Valley Groundwater Basin. The Santa Clara Valley Water District is believed to have adopted a groundwater management plan for the Santa Clara Valley Groundwater Basin. The Santa Clara Valley Water District is neither a water service provider nor a wholesale water provider to Great Oaks.

The Santa Clara Valley Water District may or may not adequately or properly manage the groundwater in the Santa Clara Valley Groundwater Basin. If not adequately or properly managed, the capacity of several of Great Oaks' groundwater wells may be reduced. In that event, Great Oaks has several options, including: shifting production from wells located in different geographic/hydrologic areas of Great Oaks' service area and purchasing or installing additional groundwater wells in different locations in the Santa Clara Valley Groundwater Basin to replace any loss of water production capacity. Great Oaks projections for water supply are based on its 2005 UWMP water supply projections for groundwater and are assumed to remain constant through 2035. This method ensures a conservative estimate of projected water supplies.

### A. Current and Projected Water Supply

Great Oaks' current and projected water supply is detailed in Tables 16A and 16B, below.

Table 16 – Current and Projected Water Supply (AF/Year)

Water Supply Sources		2010	2015	2020	2025	2030	2035
Water Purchased from:	Wholesaler Supplied Volume (yes/no)						
NA	No	0	0	0	0	0	0
Supplier-produced Groundwater		35,000	35,000	35,000	35,000	35,000	35,000
Supplier-produced Surface Water		0	0	0	0	0	0
Recycled Water		0	0	0	0	0	0
Total		35,000	35,000	35,000	35,000	35,000	35,000



The Santa Clara Valley Water District reports adequate groundwater conditions in the Santa Clara Valley Groundwater Basin. The basin is not in a condition of overdraft, but is often in a condition that produces artesian conditions due to excessive upward pressure caused by abundant groundwater. The operational storage capacity of the Santa Clara Valley Groundwater Basin is estimated to be 350,000 Acre-Feet (AF).

**B. Wholesale Supplies**

Great Oaks does not obtain wholesale water from any agency. Table 17 shows projected wholesale supplies during the time period covered by this UWMP.

Table 17 – Projected Wholesale Supplies (CCF and MG/Year)

Wholesale Source	2015	2020	2025	2030	2035
NA	0	0	0	0	0

The Santa Clara Valley Water District does offer potable treated surface water for sales at wholesale prices. At present, no connections exist between Great Oaks' water system and the Santa Clara Valley Water District. In the unlikely event Great Oaks would need to supplement its groundwater supplies with potable treated water, Great Oaks would seek approval from the CPUC to purchase such water from the most economical source, which may or may not be the Santa Clara Valley Water District.

**C. Groundwater**

Tables 18A and 18B show the amount of groundwater Great Oaks has produced from the Santa Clara Valley Groundwater Basin over the past five years.

Table 18A – Groundwater – Volume Produced (AF/Year)

Basin Name	Metered or Unmetered	2006	2007	2008	2009	2010
Santa Clara Valley	Metered	12,548	13,113	13,515	11,943	10,817

Table 18B – Groundwater – Volume Produced (MG/Year)

Basin Name	Metered or Unmetered	2006	2007	2008	2009	2010
Santa Clara Valley	Metered	4,089	4,273	4,404	3,892	3,525
Groundwater as a percent of Total water supply		100%	100%	100%	100%	100%



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Groundwater will remain as Great Oaks' source of water supply through 2035. Tables 19A and 19B show groundwater pumping projections and groundwater as a percentage of total projected supply through 2035.

Table 19A – Groundwater – Volume Projected to be Pumped (AF/Year)

Basin Name	2015	2020	2025	2030	2035
Santa Clara Valley	10,691	10,315	10,126	9,628	9,302
Percent of Total Water Supply	100%	100%	100%	100%	100%

Table 19B – Groundwater – Volume Projected to be Pumped (MG/Year)

Basin Name	2015	2020	2025	2030	2035
Santa Clara Valley	3,482.71	3,361.52	3,220.07	3,136.13	3,031.44
Percent of Total Water Supply	100%	100%	100%	100%	100%

### D. Transfers

Great Oaks maintains interties with San Jose Water Company that may serve as a potential source of supply. Great Oaks has no current plans or needs to use these interties for normal system operation. Table 20 confirms this information.

Table 20 – Transfer and Exchange Opportunities

Transfer Agency	Transfer or Exchange	Short Term	Proposed Quantities	Long Term	Proposed Quantities
No current or proposed transfer agreements					

### E. Other Water Supply Opportunities

Great Oaks and the City of San Jose have held preliminary discussions regarding the use of recycled water provided by the City of San Jose and delivered by Great Oaks within Great Oaks' service area. Great Oaks has indicated that, under appropriately agreed upon terms and conditions, Great Oaks will actively promote and offer recycled water within its service area. As these discussions were very preliminary, no projections for recycled water delivery are included in this UWMP.

### F. Future Water Projects

At present, and under current and foreseeable groundwater conditions, Great Oaks does not have plans to add additional sources of supply. Discussions are underway with the City of San Jose to resolve a service area dispute that may involve Great Oaks' acquisition of water supply assets presently owned by the City. If such an acquisition would take place, Great Oaks' water supply sources would be enhanced, but no estimate is being made regarding the amount of additional water supply that would be acquired.



**G. Supply Reliability**

For purposes of discussing water supply reliability, Great Oaks will utilize SCVWD's average water year, single dry water year and multiple dry water years in this UWMP. The water years used by Great Oaks in this UWMP are shown in Table 27, below.

Table 27 – Basis of Water Year Data

Water Year Type	Base Year(s)
Average Water Year	2002
Single-Dry Water Year	1977
Multiple-Dry Water Years	1987 - 1991

Table 28, below, shows the quantity of water Great Oaks received from all sources (groundwater) during the average water year, single dry water year and multiple dry water years. During the 25-year period covered by these water years, Great Oaks' service area population increased considerably from approximately 49,480 in 1977 to approximately 91,060 in 2002. Table 29 lists other factors potentially affecting groundwater supplies.

Table 28 – Supply Reliability – Historic Conditions (AF/Year)

Water Source	Normal Water Year	Single Dry Water Year	Multiple Dry Water Years				
			1987	1988	1989	1990	1991
	2002	1977					
Groundwater	13,185	7,171	12,145	11,684	9,530	9,861	8,764
Total	13,185	7,171	12,145	11,684	9,530	9,861	8,764
Percent of Normal Year		54%	92%	87%	72%	75%	66%

Table 29 – Factors Resulting in Supply Inconsistency

Supply	Legal	Environmental	Water Quality	Climatic	Mechanical
Groundwater	X	X	X	X	X

As indicated previously, the Santa Clara Valley Water District may or may not adequately or properly manage the groundwater in the Santa Clara Valley Groundwater Basin. If not adequately or properly managed, the capacity of several of Great Oaks' groundwater wells may be reduced. In that event, Great Oaks has several options, including: shifting production from wells located in different geographic/hydrologic areas of Great Oaks' service area and purchasing or installing additional groundwater wells in different locations in the Santa Clara Valley Groundwater Basin to replace any loss of water production capacity.



H. Water Quality

Great Oaks complies with extensive water quality sampling and reporting requirements of the California Department of Public Health (DPH). Great Oaks' water quality monitoring plan is updated annually and reported to DPH. Great Oaks' source of water – the Santa Clara Valley Groundwater Basin – is not projected to be affected by any water quality issues during the period of time covered by this UWMP.

Table 30 – Water Quality – Current and Projected Water Supply Impacts

Water Source	Description of Condition	2010	2015	2020	2025	2030	2035
Groundwater	NA	NA	NA	NA	NA	NA	NA

I. Supply and Demand Comparison

Table 31 demonstrates that Great Oaks' water supplies are sufficient to meet demand. Great Oaks' potable water supply and demand for normal water years through 2035 are listed in Table 32, for a single dry year in Table 33 and for multiple dry years in Table 34.

Table 31 – Supply Reliability – Current Water Sources (AF/Year)

Water Supply Source	Normal Water Year	Multiple Dry Water Year Supply		
		2011	2012	2013
Groundwater	35,000	32,200	30,450	25,200
Percent of Normal	100%	92%	87%	72%

Table 32 – Supply and Demand Comparison – Normal Year (AF/Year)

	2015	2020	2025	2030	2035
Supply Totals from Table 16	35,000	35,000	35,000	35,000	35,000
Demand Totals from Table 11A	10,691	10,315	10,126	9,628	9,302
Difference	24,309	24,685	24,874	25,372	25,698
Difference as % of Supply	69.5%	70.5%	71.1%	72.5%	73.4%

Table 33 – Supply and Demand Comparison – Single Dry Year (AF/Year)

	2015	2020	2025	2030	2035
Supply Totals from Table 16	35,000	35,000	35,000	35,000	35,000
Demand Totals from Table 11A	10,691	10,315	10,126	9,628	9,302
Difference	24,309	24,685	24,874	25,372	25,698
Difference as % of Supply	69.5%	70.5%	71.1%	72.5%	73.4%



Table 34 – Supply and Demand Comparison – Multiple Dry Years (AF/Year)

		2015	2020	2025	2030	2035
Multiple Dry Year First Year Supply	Supply Totals	32,200	32,200	32,200	32,200	32,200
	Demand Totals	10,691	10,315	10,126	9,628	9,302
	Difference	21,509	21,885	22,074	22,572	22,898
	Difference as % of Supply	66.8%	68.6%	68.6%	70.1%	71.1%
Multiple Dry Year Second Year Supply	Supply Totals	30,450	30,450	30,450	30,450	30,450
	Demand Totals	10,691	10,315	10,126	9,628	9,302
	Difference	19,759	20,135	20,324	20,822	21,148
	Difference as % of Supply	64.9%	66.1%	66.8%	68.4%	69.5%
Multiple Dry Year Third Year Supply	Supply Totals	25,200	25,200	25,200	25,200	25,200
	Demand Totals	10,691	10,315	10,126	9,628	9,302
	Difference	14,509	14,885	15,074	15,572	15,898
	Difference as % of Supply	57.6%	59.1%	59.8%	61.8%	63.1%

In any one dry year, Great Oaks will not need to modify its water supply or demand resources. The same is true for multiple dry years. However, to comply with any mandatory or voluntary water supply restrictions, Great Oaks will implement all required measures to preserve and protect water supplies and to meet demand as necessary.





### VIII. Water Supply Shortages

The Santa Clara Valley Water District Water Shortage Contingency Plan (WSCP) was prepared in 1992. Great Oaks incorporates the WSCP into this UWMP. The following information from SCVWD describes the WSCP.

Stage	Stage Title	Projected Groundwater Reserves	Response	Suggested Reduction In Water Use	Communications And Outreach Efforts
1	Normal	Above 300,000 AF	Continue regular outreach activities to promote ongoing implementation of conservation and implementation of BMPs		Maintain public information and outreach focused on long term, ongoing conservation actions.
2	Alert	250,000 to 300,000 AF	This stage is meant to warn customers that current water use is tapping into groundwater reserves – a signal that groundwater levels are dropping to meet demands. Communications are needed to set the tone for the onset of shortages. Request water users to reduce water use by as much as 10%. Coordinate ordinances with cities and warn and prepare for a stage 3 situation.	0 – 10% demand reduction	Expand on Stage 1 efforts. Intensify public information and advertising campaign. Focus messages on shortage situation and immediate behavioral changes.
3	Severe	200,000 to 250,000 AF	Shortage conditions are worsening, requiring close coordination with retailers and cities to enact ordinances and water use restrictions. Requires significant effort and behavioral change by water users. Increase outreach campaign to save water.	10 – 20% demand reduction	Expand and intensify Stage 2 activities. Further expand outreach efforts. Modify messages to reflect more severe shortage condition and need for immediate behavioral changes.
4	Critical	150,000 to 200,000 AF	This is the most severe stage in a multiyear drought. Encourage retailers and cities to enforce their plans which could include fines for repeated violations.	20 – 40% demand reduction	Strengthen and expand Stage 3 activities. Further expand outreach efforts. Open drought information center.
5	Emergency	Below 150,000 AF	This last stage is meant to address a more immediate crisis such as a major infrastructure failure. Water supply would be available only to meet health and safety needs.	Up to 50% demand reduction	Daily updates on water shortage emergency (media briefings, web update, social media outlets). Activate EOC.

With Great Oaks' groundwater supplies and interties with San Jose Water Company, Great Oaks satisfies SCVWD's request that retailers have at least two different sources of supply. During the most recent drought period of 2007 – 2009, Great Oaks' water supplies remained robust, as water shortages were related to imported water supplies.



## Great Oaks Water Company 2010 Urban Water Management Plan

Great Oaks does not have current authority to impose mandatory water rationing upon its customers, however, in the event such authority is required, Great Oaks would seek CPUC approval for mandatory rationing as described in Table 35 below. In situations requiring additional conservation efforts, Great Oaks will request that its customers take the actions described in Table 36, below. Great Oaks also does not have the authority to mandate the additional measures listed in Table 36, but may seek CPUC approval should such measures become mandatory.

During the multi-year dry period in the late 1980s to early 1990s, Great Oaks was able to meet rationing goals without the use of penalties or other punitive measures. Working with our customers and praising them for their selfless conservation efforts proved to be highly successful, producing a higher percentage of conservation than neighboring water systems.

Table 35 – Rationing Program

Stage	Stage Name	Water Supply Conditions	% Shortage	Program
1	Normal	Normal	None	NA
2	Alert	Reduction in overall supply	Up to 10%	Voluntary
3	Severe	Significant reduction in source of supply	Up to 20%	Mandatory
4	Critical	Serious reduction in source of supply	Up to 40%	Mandatory
5	Emergency	Critical reduction in source of supply	Up to 50%	Mandatory

Table 36 – Water Shortage Contingency – Additional Prohibitions

Stage	Additional Prohibitions
2	Washing aircraft, vehicles and boats without a positive shutoff nozzle on hose
2	Using water resulting in runoff or flooding of waterways, streets and sidewalks
2	Use of water to wash buildings, structures, sidewalks, patios, driveways and streets
2	Use of water for construction purposes
2	Use of water for outside plants, lawns and landscaping during certain hours
2	Use of water for outside plants, lawns and landscaping without positive hose shutoff
2	Use of water for decorative fountains, lakes or ponds
2	Service of water at restaurants only upon request
3	Coordinate with local agencies to defer installation of new landscaping
4	Ban on all irrigation (except agriculture)

Great Oaks will coordinate its efforts with SCVWD when necessary in order to communicate to the public regarding water shortages and conservation measures. Table 37 describes general outreach efforts Great Oaks will take during water shortage stages.



Table 37 – Consumption Reduction Methods

Stage	Consumption Reduction Method
1	Tiered water rates authorized by CPUC
1	Advise customers of availability of SCVWD water use audits
2	Communicate water conservation information as authorized by CPUC
2	Encourage voluntary conservation efforts
3	Request CPUC authority for additional conservation measures

Great Oaks will request CPUC authority to institute and apply additional consumption reduction methods, as water shortage conditions and the CPUC require. Great Oaks does not currently have authority to impose penalties or charges from CPUC. Great Oaks may not raise water service rates without the approval of the CPUC and Great Oaks cannot estimate the impacts of lost revenue due to future water shortage situations, should they occur.





**IX. Conservation and Demand Management Measures**

The CPUC has recently authorized Great Oaks to institute tiered water service rates as part of an experimental program ostensibly designed to discourage water demand and produce lower water sales. The CPUC did not make any estimates of anticipated or desired conservation levels when authorizing such rates. At the same time, the CPUC calculated rates upon projected water sales considerably higher than those projected by Great Oaks for the time period from 2010 to 2013. The CPUC's projected water sales for Great Oaks are also considerably higher than Great Oaks' actual water sales in 2010 and Great Oaks' expected water sales for the next three years. Due to these conflicting factors, Great Oaks is unable to estimate water conservation over the next several years and through 2035.

**A. Demand Management Measures**

Great Oaks' CPUC-authorized tiered rate schedule for general metered service is reproduced below.

Report No. 1  
**GENERAL METERED SERVICE**  
 Conservation Rates  
 Proposed by the California Public Utilities Commission  
 Division of Ratepayer Advocates

Category	Rate	Unit
Minimum Charge	1.75	\$/month
First 100 Gallons	0.01	\$/gallon
Next 100 Gallons	0.02	\$/gallon
Next 100 Gallons	0.03	\$/gallon
Next 100 Gallons	0.04	\$/gallon
Next 100 Gallons	0.05	\$/gallon
Next 100 Gallons	0.06	\$/gallon
Next 100 Gallons	0.07	\$/gallon
Next 100 Gallons	0.08	\$/gallon
Next 100 Gallons	0.09	\$/gallon
Next 100 Gallons	0.10	\$/gallon
Next 100 Gallons	0.11	\$/gallon
Next 100 Gallons	0.12	\$/gallon
Next 100 Gallons	0.13	\$/gallon
Next 100 Gallons	0.14	\$/gallon
Next 100 Gallons	0.15	\$/gallon
Next 100 Gallons	0.16	\$/gallon
Next 100 Gallons	0.17	\$/gallon
Next 100 Gallons	0.18	\$/gallon
Next 100 Gallons	0.19	\$/gallon
Next 100 Gallons	0.20	\$/gallon
Next 100 Gallons	0.21	\$/gallon
Next 100 Gallons	0.22	\$/gallon
Next 100 Gallons	0.23	\$/gallon
Next 100 Gallons	0.24	\$/gallon
Next 100 Gallons	0.25	\$/gallon
Next 100 Gallons	0.26	\$/gallon
Next 100 Gallons	0.27	\$/gallon
Next 100 Gallons	0.28	\$/gallon
Next 100 Gallons	0.29	\$/gallon
Next 100 Gallons	0.30	\$/gallon
Next 100 Gallons	0.31	\$/gallon
Next 100 Gallons	0.32	\$/gallon
Next 100 Gallons	0.33	\$/gallon
Next 100 Gallons	0.34	\$/gallon
Next 100 Gallons	0.35	\$/gallon
Next 100 Gallons	0.36	\$/gallon
Next 100 Gallons	0.37	\$/gallon
Next 100 Gallons	0.38	\$/gallon
Next 100 Gallons	0.39	\$/gallon
Next 100 Gallons	0.40	\$/gallon
Next 100 Gallons	0.41	\$/gallon
Next 100 Gallons	0.42	\$/gallon
Next 100 Gallons	0.43	\$/gallon
Next 100 Gallons	0.44	\$/gallon
Next 100 Gallons	0.45	\$/gallon
Next 100 Gallons	0.46	\$/gallon
Next 100 Gallons	0.47	\$/gallon
Next 100 Gallons	0.48	\$/gallon
Next 100 Gallons	0.49	\$/gallon
Next 100 Gallons	0.50	\$/gallon
Next 100 Gallons	0.51	\$/gallon
Next 100 Gallons	0.52	\$/gallon
Next 100 Gallons	0.53	\$/gallon
Next 100 Gallons	0.54	\$/gallon
Next 100 Gallons	0.55	\$/gallon
Next 100 Gallons	0.56	\$/gallon
Next 100 Gallons	0.57	\$/gallon
Next 100 Gallons	0.58	\$/gallon
Next 100 Gallons	0.59	\$/gallon
Next 100 Gallons	0.60	\$/gallon
Next 100 Gallons	0.61	\$/gallon
Next 100 Gallons	0.62	\$/gallon
Next 100 Gallons	0.63	\$/gallon
Next 100 Gallons	0.64	\$/gallon
Next 100 Gallons	0.65	\$/gallon
Next 100 Gallons	0.66	\$/gallon
Next 100 Gallons	0.67	\$/gallon
Next 100 Gallons	0.68	\$/gallon
Next 100 Gallons	0.69	\$/gallon
Next 100 Gallons	0.70	\$/gallon
Next 100 Gallons	0.71	\$/gallon
Next 100 Gallons	0.72	\$/gallon
Next 100 Gallons	0.73	\$/gallon
Next 100 Gallons	0.74	\$/gallon
Next 100 Gallons	0.75	\$/gallon
Next 100 Gallons	0.76	\$/gallon
Next 100 Gallons	0.77	\$/gallon
Next 100 Gallons	0.78	\$/gallon
Next 100 Gallons	0.79	\$/gallon
Next 100 Gallons	0.80	\$/gallon
Next 100 Gallons	0.81	\$/gallon
Next 100 Gallons	0.82	\$/gallon
Next 100 Gallons	0.83	\$/gallon
Next 100 Gallons	0.84	\$/gallon
Next 100 Gallons	0.85	\$/gallon
Next 100 Gallons	0.86	\$/gallon
Next 100 Gallons	0.87	\$/gallon
Next 100 Gallons	0.88	\$/gallon
Next 100 Gallons	0.89	\$/gallon
Next 100 Gallons	0.90	\$/gallon
Next 100 Gallons	0.91	\$/gallon
Next 100 Gallons	0.92	\$/gallon
Next 100 Gallons	0.93	\$/gallon
Next 100 Gallons	0.94	\$/gallon
Next 100 Gallons	0.95	\$/gallon
Next 100 Gallons	0.96	\$/gallon
Next 100 Gallons	0.97	\$/gallon
Next 100 Gallons	0.98	\$/gallon
Next 100 Gallons	0.99	\$/gallon
Next 100 Gallons	1.00	\$/gallon

Great Oaks has not been authorized by the CPUC to incur any conservation expenses without first consulting with the CPUC's Division of Ratepayer Advocates (DRA). One



## Great Oaks Water Company 2010 Urban Water Management Plan

such consultation has occurred to date and during that consultation DRA declined to respond to Great Oaks' inquiry regarding conservation activities and expenses DRA would approve for Great Oaks. At present, Great Oaks has not been authorized by the CPUC to incur expenses to implement the Best Management Practices of the California Urban Water Conservation Council (CUWCC).

Great Oaks has no funds authorized to engage in additional conservation activities or programs at the present time and likely will not until 2013, when the CPUC next decides how much Great Oaks may spend on conservation-related efforts. Great Oaks will continue to advise its customers of SCVWD's water use audit services as requested by CPUC, while billing its customers pursuant to the tiered rates authorized by the CPUC. In addition, Great Oaks will provide information to the CPUC regarding water sales under the CPUC-authorized tiered rates, as required. At present, it is not known by Great Oaks how the CPUC will determine the effectiveness of the authorized tiered rates, especially in light of Great Oaks' history of declining water sales without tiered rates.

Great Oaks does, however project, based upon historical and current water sales, and without tiered rates authorized by the CPUC, water demand (and therefore water sales) will decline in the coming years, and that Great Oaks will meet water reduction goals established by the California Legislature. Great Oaks expects water demand to decline through 2035, as reported in Table 39, below.

Table 39 – Current and Planned Water Supply with Conservation (AF/Year)

Water Supply Source	2010	2015	2020	2025	2030	2035
Groundwater	11,020	10,560	10,118	9,615	9,289	8,903

### B. Compliance

Great Oaks' water conservation efforts and programs are listed and described below. Great Oaks' compliance with the CUWCC and UWMP demand management measures is despite the lack of authorized funding for compliance. The information is also provided in Table 40, below.

1. Interior and Exterior Water Audits for Single Family and Multi-Family Customers: Great Oaks advises residential customers regarding SCVWD's free water auditing services. SCVWD communicates with Great Oaks' customers directly through print, television, movie screen and radio advertising. SCVWD provides customers participating in SCVWD's water auditing services, and Great Oaks, receive a report upon completion.
2. Plumbing Retrofit: Great Oaks distributes sink faucet aerators and, when available, low-flow showerheads, provided by SCVWD.



## Great Oaks Water Company 2010 Urban Water Management Plan

3. Distribution System Water Audits, Leak Detection and Repair: Great Oaks constantly monitors its distribution system for leaks, resulting in an uncommonly low 4.4 unaccounted for water percentage.
4. Metering with Commodity Rates: All of Great Oaks' accounts are metered.
5. Large Landscape Water Audits and Incentives: SCVWD provides irrigation surveys for large landscape customers.
6. Landscape Water Conservation Requirements: Most of Great Oaks' service area is within the City of San Jose, which has landscape water conservation requirements for new construction.
7. Public Information: SCVWD distributes public information to Great Oaks' customers through its media and outreach programs. Great Oaks' water bills provide year-to-year consumption comparisons alerting customers to any changes in usage patterns.
8. School Education: On occasion, Great Oaks provides information to schools within its service area for use in discussing and promoting water conservation and water quality.
9. Commercial and Industrial Water Conservation: SCVWD makes water use audits available to commercial and industrial accounts in Great Oaks' service area upon request.
10. New Commercial and Industrial Water Use Review: The City of San Jose Building Department and Great Oaks coordinate activities for new commercial and industrial water uses. Great Oaks provides the City of San Jose (or the County of Santa Clara) with a "will serve letter," representing that Great Oaks has reviewed the new construction plans and agrees with the proposed water use of the new commercial or industrial customer.
11. Conservation Pricing, Water Service and Sewer Service: Great Oaks has been authorized to implement tiered water pricing for single-family residential customers, and has implemented such tiered water rates.
12. Landscape Water Conservation for New and Existing Single-Family Homes: See discussion for number 6, above. In addition, the City of San Jose maintains a demonstration garden and works with landscape maintenance companies to promote efficient landscaping practices within Great Oaks' service area.
13. Water Waste Prohibition: Great Oaks prohibits water waste under CPUC rules and regulations. Great Oaks is authorized to discontinue service to any customer wasting water.
14. Water Conservation Coordinator: Great Oaks has not been authorized funding for a water conservation coordinator. Great Oaks' customer service personnel provide water conservation information when time permits.
15. Financial Incentives: Tiered water rates authorized by the CPUC may provide financial incentives or disincentives to single-family residential customers of Great Oaks, although the extent of such incentives or disincentives is unknown.



Great Oaks Water Company 2010 Urban Water Management Plan

16. Ultra-low Flush Toilet Replacement: Great Oaks' customers may participate in the SCVWD program for ultra-low flush toilet replacement.

Table 40 – Demand Management Measures and CUWCC BMPs

CUWCC BMPs			UWMP Demand Management Measures		GOWC Existing Program	Compliance by
Category	BMP	BMP Name	DMM	DMM Name		
Operations	1.1.1	Conservation Coordinator	L	Water Conservation Coordinator	No	
	1.1.2	Water Waste Prevention	M	Water Waste Prohibition	Yes	GOWC
	1.1.3	Wholesale Agency Assistance Programs	J	Wholesale Agency Programs	Yes	SCVWD
	1.2	Water Loss Control	J	System Water audits, leak detection and repair	Yes	GOWC
	1.3	Metering with Commodity Rates For all New Connections & Retrofit of Existing Connections	D	Metering with commodity rates for all new connections and retrofit of existing connections	Yes	GOWC
	1.4	Retail Conservation Pricing	K	Conservation Pricing	Yes	GOWC
Education	2.1	Public Information Programs	G	Public Information Programs	Yes	GOWC SCVWD
	2.2	School Education Programs	H	School Education Programs	Yes	GOWC SCVWD
Residential	3.1	Residential Assistance Programs	A	Water survey programs for single-family residential and multifamily residential	Yes	GOWC SCVWD
			B	Residential plumbing retrofit	Yes	GOWC SCVWD
	3.2	Landscape water survey	A	Water survey programs for single-family residential and multifamily residential customers	Yes	GOWC SCVWD
	3.3	High-efficiency clothes washing machine financial incentive programs	F	High-efficiency washing machine rebate programs	Yes	SCVWD
	3.4	WaterSense Specification (WSS) Toilets	N	Residential ultra-low-flush toilet replacement program	Yes	SCVWD



Table 40 - Continued

CII	4	CII	I	Conservation programs for CII accounts	Yes	CSJ SCVWD
Landscape	5	Landscape	E	Large landscape conservation programs and incentives	Yes	CSJ SCVWD





Great Oaks Water Company  
Urban Water Management Plan  
2010

Appendix



## GREAT OAKS WATER COMPANY

April 26, 2011

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

San Jose Water Company  
Office of Regulatory Affairs  
110 West Taylor Street  
San Jose, CA 95156

RE: NOTICE OF PREPARATION OF URBAN WATER MANAGEMENT PLAN

Dear Sir or Madam:

Great Oaks Water Company (Great Oaks) is updating its Urban Water Management Plan as required under the relevant provisions of the California Water Code. Revisions to Great Oaks' 2005 Urban Water Management Plan are being made and San Jose Water Company is invited to participate in this process.

Great Oaks will make proposed revisions to its 2005 Urban Water Management Plan available for public review and will hold a public meeting in June of this year. In the meantime, if you have any questions, please contact the undersigned.

Great Oaks Water Company

A handwritten signature in cursive script that reads "Timothy S. Claster". The signature is written in black ink and is positioned above the printed name.

Timothy S. Claster  
Vice President and General Counsel



## GREAT OAKS WATER COMPANY

April 26, 2011

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

Santa Clara Valley Water District  
Attention: James O'Brien  
5750 Almaden Expressway  
San Jose, CA 95118

RE: NOTICE OF PREPARATION OF URBAN WATER MANAGEMENT PLAN

Dear Mr. O'Brien:

Great Oaks Water Company (Great Oaks) is updating its Urban Water Management Plan as required under the relevant provisions of the California Water Code. Revisions to Great Oaks' 2005 Urban Water Management Plan are being made and the Santa Clara Valley Water District is invited to participate in this process.

Great Oaks will make proposed revisions to its 2005 Urban Water Management Plan available for public review and will hold a public meeting in June of this year. In the meantime, if you have any questions, please contact the undersigned.

Great Oaks Water Company

A handwritten signature in dark ink, appearing to read "Timothy S. Guster". The signature is fluid and cursive, written over the printed name.

Timothy S. Guster  
Vice President and General Counsel



## GREAT OAKS WATER COMPANY

April 26, 2011

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

City of San Jose  
Environmental Services Department  
Attention: Mansour M. Nasser, P.E.  
Deputy Director  
3025 Tuers Road  
San Jose, CA 95121

RE: NOTICE OF PREPARATION OF URBAN WATER MANAGEMENT PLAN

Dear Mr. Nasser:

Great Oaks Water Company (Great Oaks) is updating its Urban Water Management Plan as required under the relevant provisions of the California Water Code. Revisions to Great Oaks' 2005 Urban Water Management Plan are being made and the City of San Jose is invited to participate in this process.

Great Oaks will make proposed revisions to its 2005 Urban Water Management Plan available for public review and will hold a public meeting in June of this year. In the meantime, if you have any questions, please contact the undersigned.

Great Oaks Water Company

A handwritten signature in black ink that reads "Timothy S. Crister". The signature is written in a cursive style with a large, prominent initial 'T'.

Timothy S. Crister

Vice President and General Counsel



## GREAT OAKS WATER COMPANY

April 26, 2011

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

Jody Hall Esser  
Planning and Development Department Director  
County of Santa Clara  
70 West Hedding  
San Jose, CA 95110

RE: NOTICE OF PREPARATION OF URBAN WATER MANAGEMENT PLAN

Dear Ms. Esser:

Great Oaks Water Company (Great Oaks) is updating its Urban Water Management Plan as required under the relevant provisions of the California Water Code. Revisions to Great Oaks' 2005 Urban Water Management Plan are being made and the County of Santa Clara is invited to participate in this process.

Great Oaks will make proposed revisions to its 2005 Urban Water Management Plan available for public review and will hold a public meeting in June of this year. In the meantime, if you have any questions, please contact the undersigned.

Great Oaks Water Company

A handwritten signature in black ink, appearing to read "Timothy S. Claster". The signature is written in a cursive, flowing style.

Timothy S. Claster  
Vice President and General Counsel

# San Jose Mercury News

750 RIDDER PARK DRIVE  
SAN JOSE, CALIFORNIA 95190  
408-920-5332

## PROOF OF PUBLICATION

IN THE  
CITY OF SAN JOSE  
STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA

GREAT OAKS WATER CO.  
POST OFFICE BOX 23490  
SAN JOSE CA 95153-0000

FILE NO. T. Guster

In the matter of

The San Jose Mercury News

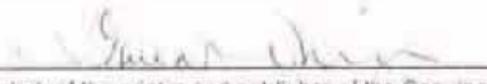
The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to or interested in the above entitled proceedings; and was at and during all said times and still is the principal clerk of the printer and publisher of the San Jose Mercury News, a newspaper of general circulation printed and published daily in the city of San Jose in said County of Santa Clara, State of California as determined by the court's decree dated June 27, 1952, case numbers 84096 and 84097, and that said San Jose Mercury News is and was at all times herein mentioned a newspaper of general circulation as that term is defined by Sections 6000 and following, of the Government Code of the State of California and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not devoted to the interests or published for the entertainment or instruction of a particular class, professional, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professionals, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said city of San Jose in said County and State at regular intervals for more than one year preceding the first publication of the notice herein mentioned. Said decree has not been revoked, vacated or set aside.

I declare that the notice, of which the annexed is a true printed copy, has been published in each regular or entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

4/29/2011, 5/6/2011

Dated at San Jose, California  
05/06/11

I declare under penalty of perjury that the foregoing is true and correct.

Signed   
Principal clerk of the printer and publisher of the San Jose Mercury News

Legal No. 0003975950

### NOTICE OF PUBLIC HEARING

Great Oaks Water Company Urban Water  
Management Plan Update  
June 30, 2011 2:00 p.m.

Great Oaks Water Company (Great Oaks) is in the process of updating its existing Urban Water Management Plan (UWMP) and is seeking public input.

Under the Urban Water Management Act, urban water suppliers are required to report, describe and evaluate water deliveries and uses, water supply sources, efficient water uses and demand management measures, including implementation strategy and schedule. In addition, the Water Conservation Bill of 2009 requires urban water suppliers to report their base daily per capita water use, urban water use target, interim urban water use target and compliance daily per capita water use.

A public hearing will be held on Thursday, June 30, 2011 at 2:00 p.m. at Great Oaks' offices located at 70 Great Oaks Boulevard, Suite 120, San Jose, California 95119 to receive public input on Great Oaks' draft UWMP. The draft UWMP is available for viewing at Great Oaks' website ([www.greatoaks-water.com](http://www.greatoaks-water.com)) and at Great Oaks' offices.  
SJMN#3975950 April 29/May 6, 2011

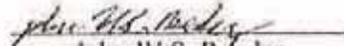
UNANIMOUS WRITTEN CONSENT OF DIRECTORS  
TO CORPORATE ACTION

We, John W.S. Roeder, Adele Wilson and Timothy S. Guster are all members of, and together constitute, the Board of Directors of Great Oaks Water Company ("corporation"), and by this writing approve the following resolution and consent to its adoption:

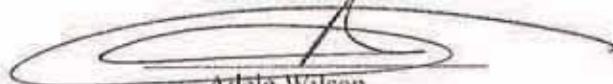
**Resolved**, Great Oaks Water Company Urban Water Management Plan 2010 (UWMP 2010) attached hereto as Exhibit 1 is approved and adopted. Timothy S. Guster is authorized to submit the UWMP 2010 according to statutory requirements.

This consent is executed pursuant to subdivision (b) of Section 307 of the California Corporations Code and is to be filed with the minutes of Board proceedings of the corporation.

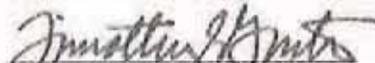
Dated: June 30, 2011

  
John W.S. Roeder

Dated: June 30, 2011

  
Adele Wilson

Dated: June 30, 2011

  
Timothy S. Guster

**Davidson, John**

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**From:** BIUe DrAg0n411 [bluedrag0n411@hotmail.com]  
**Sent:** Friday, August 12, 2011 7:37 PM  
**To:** District5; Davidson, John; watch\_your\_neighbor@googlegroups.com; City Owned Property  
**Subject:** Against 31-Acre Rancho Del Pueblo Golf Course Proposal

Dear San Jose City Council Xavier Campos,

On August 17, 2011 We will have the community meeting with the San Jose City staff for the 31-acre Rancho Del Pueblo Golf Course could be a future development of the property with up to 570 residential units. We would like to against this proposal because :

\* Add more traffic and more noise on King Rd, Story Rd, 101 & 680 Freeway and our neighborhood with more 570 new homes everyday. And City does not plan to expand more lanes in King, Story and our neighborhood streets.

\* With more 570 new homes in the our neighborhood, City does not have plan to build more class, more school or more library and more a community recreational in our neighborhood.

\* With more 570 new homes in the our neighborhood will create more people, more cars will decrease emergency services, such as polices cars, fire cars and ambulances, to attend to resident's need and neighborhood crimes quickly . Our neighborhood will be inconvenience for the public services and unsafety .

City could not sell this land to a builder 570 new homes for the City's budget situations and place our neighborhood with many inconvenience & unsafety life and with high density housing and less the public services, more gangters...

City and builder would take money to walk away and leave us with more headaches and less & unsafety public services. This is not fair for our neighborhood.

Sincerely yours,

Tommy Tran

August 12, 2011

RECEIVED

AUG 12 2011

City of San Jose  
Department of Planning, Building, and Code Enforcement  
200 East Santa Clara Street, T-3  
San Jose, CA 95113-1905

CITY OF SAN JOSE  
DEVELOPMENT SERVICES

SUBJECT: Envision 2040 General Plan Draft Program EIR: Rancho del Pueblo Golf Course

I have the following comments on this Draft Program EIR as it pertains to the proposed closure and residential development of this golf course property.

- The City is moving forward with implementation actions, including this EIR, with inadequate public input regarding alternatives to closure. I am not aware of any meaningful public outreach or project scoping in connection with the shutdown of this golf course. The City needs to seek community input before a decision on policy direction and that should be completed with a report back to the City Council before any further environmental review.
- The guiding concept in analyzing the environmental impacts seems to be that since development capacity is being reallocated from other sites in the general area, there will be minor impacts by allowing additional 600+/- housing units on this site.

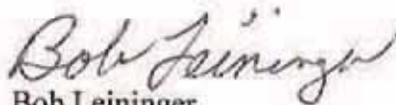
The environmental work completed when the present plans were approved was very clear about the negative impacts on the Eastside communities by going beyond the current densities. The traffic and air quality impacts, and lack of open space and recreation opportunities in this area of San Jose were well documented. To now say that the environmental impacts are much less and the surrounding neighborhood can somehow deal with the added 600+/- DU is at best inconsistent with the analysis already done. The community was promised relief from the effects of excessive residential development, not more of the same.

- The reallocation approach is at odds with the City's goal of fostering higher density development along major transportation lines. The sites from which capacity is being shifted are identified on page 122 of the Draft PEIR as being on Santa Clara Street and Alum Rock Avenue. These corridors are served with major mass transit (or are planned to be so served, i.e. light rail, BART, etc.), and the actual reduction of residential capacity would seem problematic.
- The Draft PEIR states, on page 120, that new infill development designations will help to establish new neighborhoods within a cohesive urban form, or to facilitate new infill development within an existing area that does not have an established cohesive urban character. This is a misunderstanding of the integral role of this golf course in the Eastside Community. Rancho del Pueblo has become a major part of the urban fabric, located as it is between the commercial area of King and Story and the Mexican Heritage Gardens to the north on Alum Rock Avenue. This golf course has helped to establish a cohesive urban character for the area and is recognized as such by the residents.

- Why does more residential development, in an area that already has numerous higher density projects, take precedence over maintaining a reasonable amount of open space and recreation?
- How will the additional 600+/- units, with perhaps as many as 2,000 new residents, impact the remaining park/open space serving the neighborhood?
- The EIR document should make note of the loss of golf facilities in the Eastside over the past few years. Starting with the closure of the 18-hole El Rancho Verde course and driving range on McKee Road in the late 1960s (also for an apartment project), the area has more recently experienced the closure of the 36 hole Pleasant Hills courses on White Road. This property will almost certainly be under pressure for residential development once the current housing market conditions improve. It should also be noted that the Rancho del Pueblo site originally had 18 holes with a driving range.

Please enter this letter as part of the Program Draft EIR process. I expect to have additional comments at a later time and will submit those before the hearing dates for the EIR and General Plan.

Sincerely,



Bob Leininger  
1979 Dorrance Ct.  
San Jose, CA 95125  
408-448-3070  
blein4@gmail.com

**Davidson, John**

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**From:** Bart Thielges [Bart.Thielges@synopsys.com]  
**Sent:** Saturday, August 13, 2011 10:46 AM  
**To:** Davidson, John  
**Cc:** Oliverio, Pierluigi; Brazil, John  
**Subject:** request to consider reconfiguration of Lincoln Ave. in Envision 2040

Dear Mr. Davidson:

I understand that the latest update to the general plan does not consider the improvement of Lincoln Ave. to bring it up to the current standards of accommodating all street users. Currently Lincoln is extremely challenging to bicyclists due to the fact that the rightmost lane is rather narrow and runs aside busy parallel parking. The only way to safely cycle through Lincoln without risking being doored by a parked car is to ride near the center of the lane. Not only is this an uncomfortable lane position for most cyclists, it also takes the entire lane, slowing traffic behind.

A four to three lane conversion on Lincoln would be a huge improvement. That's because such a conversion would really create five lanes on Lincoln: two bike lanes, two auto lanes, and an shared center left turn lane. That conversion would increase capacity on Lincoln because more people would feel comfortable riding bicycles through this important part of the city's street network.

Cyclists have few alternatives to Lincoln. Bird and Meridian are the next closest north-south streets that span both the Los Gatos Creek and I-280. Both of those streets are also challenging to cyclists. Opening Lincoln to the average bicyclist would make it profoundly easier to bike through Willow Glen and beyond.

I ride Lincoln daily. It is easily the most difficult mile of my twelve mile commute. Other neighbors and cyclists have expressed the same feeling. An important street like Lincoln should be accessible to all cyclists, not only those with nerves of steel. I urge you to reconsider adding a four to three lane conversion of Lincoln to the Envision 2040 document.

Thanks,

Bart Thielges  
Telfer Ave.  
San Jose

408-287-2278

## Davidson, John

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**From:** Carrie Jensen [carriejanejensen@gmail.com]  
**Sent:** Sunday, August 14, 2011 9:27 PM  
**To:** Davidson, John  
**Cc:** Oliverio, Pierluigi; Hart, Jared  
**Subject:** Envision 2040 General Plan EIR Comments

Dear Mr. Davidson and City Planning Staff,

First off, I would like to commend you on the Envision 2040 General Plan. This revision makes a dramatic shift toward sustainable land-use policy, and I believe it will create a city that citizens will be proud to call home. I am particularly happy to see the overarching changes in transportation policy that shift from car-centric systems to ones that equally support motorists, pedestrians, cyclists, and public transit. I am also happy about the more stringent riparian setback guidelines and the urban growth boundary. Overall you have developed an ambitious and truly impressive vision for our city; however, I do have a few comments regarding stormwater management.

I am generally concerned that the environmental impacts of stormwater runoff are not being sufficiently mitigated. I understand that the City is required to comply with the NDPEs Municipal Regional Stormwater Permit (MRP), and that the EIR Appendix G, Hydrology and Water Quality Report states that the City's compliance with the provisions of this permit mitigate stormwater impacts. However, I feel that the City could do more to mitigate stormwater runoff and have the following comments and suggested revisions to the plan:

MRP provision C.3.A.I(8) states, "Revise, as necessary, General Plans to integrate water quality and watershed protection with water supply, flood control, habitat protection, groundwater recharge, and other sustainable development principles and policies (e.g., referencing the Bay-Friendly Landscape Guidelines)." Although Appendix G does mention San Jose's Green Building Policies, which include installation of water efficient fixtures and landscaping, minimization of hardscape, and use of drought tolerant native species, the Bay-Friendly Landscape Guidelines are more detailed and include many additional strategies that reduce stormwater pollution impacts, such as integrated pest management. I suggest that the General Plan be revised to include the Bay-Friendly Landscape Guidelines or that the Green Building Policy be revised to include them.

"Greenstreet" stormwater management strategies should be considered for incorporation whenever streets are redeveloped. For examples of these concepts see Portland's website: <http://www.portlandonline.com/bes/index.cfm?c=34598> and San Mateo County Design Guidelines: [http://www.flowstobay.org/ms\\_sustainable\\_streets.php](http://www.flowstobay.org/ms_sustainable_streets.php). I realize that the City may be disinclined to include these in the general plan because of unknown cost factors; however, this is the time to develop the vision for our future. A sustainable city should include a robust plan for incorporating stormwater back into our urban watershed. This is an important part of improving our water quality and reconnecting the urban population with the hydrologic cycle.

I suggest revising Goal MS-3 - Water Conservation and Quality as follows:

- Policy: Promote the use of integrated pest management.
- Action: Update the Green Building Ordinance to include Bay-Friendly Landscaping Guidelines.
- Action: Develop programs to educate the community on stormwater pollution prevention landscaping strategies (i.e. Low Impact Development strategies), such as green roofs, landscape-based treatment measures, pervious hardscape materials, and other stormwater management practices to reduce water pollution.

I suggest revising Goal MS-3 - Water Conservation and Quality as follows:

- Policy: Encourage residents to incorporate Low Impact Development strategies into their landscapes.
- Action: Develop programs that encourage individuals or businesses to complete low impact development retrofits for their properties through community outreach programs and incentives such as tax credits, financing opportunities or other means. (This is similar to Green Building Policy MS-1.9. For examples of

rebate programs, see Palo Alto's Stormwater Rebate Program:  
[http://www.cityofpaloalto.org/depts/pwd/flood\\_storm/stormwater\\_rebates/default.asp](http://www.cityofpaloalto.org/depts/pwd/flood_storm/stormwater_rebates/default.asp)).

I suggest revising Goal TR - 9 Tier I Reduction of Vehicle Miles Traveled as follows:

- TR - 1.13: "Reduce vehicle capacity on streets with projected excess capacity by reducing either the number of travel lanes or the roadway width, and use remaining public right-of-way to provide wider sidewalks, bicycle lanes, transit amenities and/or landscaping **integrated with stormwater management systems**. Establish criteria to identify roadways for capacity reduction (i.e. road diets) and conduct engineering studies to determine implementation feasibility and develop implementation strategies.

Once again I commend you on the Envision 2040 General Plan, and I thank you for considering my comments.

Sincerely,  
Carrie Jensen

**Davidson, John**

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**From:** Celia Poon [celiapoon@yahoo.com]  
**Sent:** Sunday, August 14, 2011 3:54 PM  
**To:** The Office of Mayor Chuck Reed; District1; District2; District3; District4; District5; District 6; District7; District8; District9; Office of Councilmember Nancy Pyle; Davidson, John; City Owned Property  
**Subject:** Rancho Del Pueblo - We do NOT need more houses

To Whom It May Concern:

File: GP10-05-01, File: PP09-011

We want to express our opposition against the city's plan to replace the Rancho del Pueblo golf course to build more houses. Some of the immediate impacts will be:

1. Traffic, noise, and air pollution will increase significantly because many more people will use a limited number of lanes to go in and out every day. The current community on Hermocilla/King has 200 single-family houses. This plan has 570 units (almost 3 times more). King/Story intersection was expanded recently and it is already very busy. The exit rams from/to 680 at both directions back up significantly during peak times, which can cause traffic hazards for drivers on the freeway.
2. Crime will increase simply because of the higher density of people. If it gets crowded with many more people, crime will increase. The shooting with two men died in August 2010 at the newly built apartment (San Antonio Ct, next to Freeway 101) is a worrisome example. Mercury News reported this crime:

"The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they've complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week."

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

3. Quality of life and public services will be negatively affected. We do not need more houses in this crowded area. New homes will need more schools, teachers, police-officers, fire-fighters, which the city might not have the money for. This plan will decrease and slow down emergency services, such as police cars, fire trucks, ambulances to our community.

As responsible taxpayers and concerned citizens, we believe there are other options

instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

Sincerely,

Name: Celia Poon

Address: 1473 Firestone Loop, San Jose, CA 95116

## Davidson, John

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**From:** Nancy Hickey [hickey\_nancy@yahoo.com]  
**Sent:** Sunday, August 14, 2011 3:18 PM  
**To:** Davidson, John  
**Subject:** Comments On Envision 2040 Draft

I do not believe that there is a workable enough site in the plan for the hospital services that need to be reinstated in the downtown core.

**Davidson, John**

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**From:** Phieu Truong [phil290@yahoo.com]  
**Sent:** Sunday, August 14, 2011 10:31 PM  
**To:** The Office of Mayor Chuck Reed; District1; District2; District3; District4; District5; District 6; District7; District8; District9; Office of Councilmember Nancy Pyle; Davidson, John; City Owned Property  
**Cc:** Hontr@yahoo.com; Jinnynngn@yahoo.com; Sakhuong@hotmail.com  
**Subject:** Against the Rancho Del Pueblo Golf Course to build 570 homes

To Whom It May Concern:

File: GP10-05-01, File: PP09-011

We want to express our opposition against the city's plan to replace the Rancho del Pueblo golf course to build more houses. Some of the immediate impacts will be:

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As responsible taxpayers and concerned citizens, we believe there are other options instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

Sincerely,

**Davidson, John**

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**From:** Phu Tran [phutran2008@yahoo.com]**Sent:** Sunday, August 14, 2011 9:11 AM**To:** The Office of Mayor Chuck Reed; District1; District2; District3; District4; District5; Oliverio, Pierluigi; District7; Herrera, Rose; District9; Office of Councilmember Nancy Pyle; Davidson, John; Watch\_your\_neighbor@googlegroups.com; City Owned Property**Subject:** Opposition 31-acre Rancho Del Pueblo Golf Course proposalDear San Jose City Council [Xavier Campos](#)

On August 17, 2011 We will have the community meeting with the San Jose City staff for the 31-acre Rancho Del Pueblo Golf Course could be a future development of the property with up to 570 residential units. We would like to against this proposal because :

- \* Add more traffic and more noise on King Rd, Story Rd, 101 & 680 Freeway and our neighborhood with more 570 new homes everyday. And City does not plan to expand more lanes in King, Story and our neighborhood streets.
- \* With more 570 new homes in the our neighborhood, City does not have plan to build more class, more school or more library and more a community recreational in our neighborhood.
- \* With more 570 new homes in the our neighborhood will create more people, more cars will decrease emergency services, such as polices cars, fire cars and ambulances, to attend to resident's need and neighborhood crimes quickly . Our neighborhood will be inconvenience for the public services and unsafety .

City could not sell this land to a builder 570 new homes for the City's budget situations and place our neighborhood with many inconvenience & unsafety life and with high density housing and less the public services, more gangters...

City and builder would take money to walk away and leave us with more headaches and less & unsafety public services. This is not fair for our neighborhood.

Thank you for your helps  
Sincerely yours,

**Davidson, John**

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**From:** takcheung poon [takpoon1473@yahoo.com]  
**Sent:** Sunday, August 14, 2011 4:21 PM  
**To:** The Office of Mayor Chuck Reed; District1; District2; District3; District4; District5; District 6; District7; District8; District9; Office of Councilmember Nancy Pyle; Davidson, John; City Owned Property  
**Subject:** Rancho Del Pueblo - We do NOT need more houses

To Whom It May Concern:

File: GP10-05-01, File: PP09-011

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As responsible taxpayers and concerned citizens, we believe there are other options

instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

Sincerely,

Name: Tak Poon

Address: 1473 Firestone Loop, San Jose, CA 95116

## Envision San Jose 2040 General Plan, Draft PEIR comments

Dipa & John;

I have attended & participated in many of the Envision Task Force meetings and workshops over the years. After reviewing this Draft document, I have the following questions.

(I have referenced item & page #s)

Questions:

- 1) Summary, page 11 & 12: Transportation Impacts, Mitigation & Avoidance Measures  
Impact TRANS-1, 3, 4, & 5 : Questions:
  - Will there be “transit triggers” that must be met by VTA, BEFORE development will proceed, in various high-density designated areas?
  - Once high-density developments are built & occupied, how will the new Urban Village function without adequate transit in place? – and without the local roads and intersections having anymore widening capacity?
  - How will this transit “in-between time” affect the desirability & value of the new Neighborhood Village? – along with the adjacent existing neighborhood community?
- 2) Summary, page 16, Significant Impact, “Unavoidable Cumulative Impact”, Cumulative Impacts  
Impacts C-TRANS-2 & Impact C-NV-3: Question:
  - Without an efficient operating transit system in place BEFORE a development occurs, how will the noise levels from increased car traffic from the high-density development affect the desirability and livability of Neighborhood Villages?
- 3) Known Areas of Controversy, Summary, pg 26, Will San Jose form an Design Standards  
Committee or/and an Urban Design Standards Committee which will oversee how new  
developments mesh together with the adjoining community – before plans are sent for approval  
to the Planning Commission or City Council?
  - How can the community adjoining a Neighborhood Village, be assured of a gradual “transition  
zone” – regarding heights, setbacks, & land use that border their homes?
- 4) Employment Land Areas, Planned Communities & Specific Plan Areas, Section 2, page 38 & 39
  - Will the Preservation of Employment Lands Policy go away with this new General Plan? If so,  
What mechanism is in place to protect the Neighborhood Village Plans? If the official  
Employment Lands Policy is gone, how can the community be assured that a Neighborhood  
Village Plan concept will be adhered to? – Without “conversions” taking place, as in the past,  
with heavy lobbying of our City Council Members by Development Interests (Developers,  
Unions, & lobbyists)?
  - Doesn’t it just take 6+ City Council votes to vote in a “conversion”, and change the Zoning - from  
Employment/Commercial Lands – to Housing, as in the past? How can this City’s residents be  
assured that this practice won’t keep perpetuating – thus destroying the “mix” of each  
Neighborhood Village? How will each individual Neighborhood Village Plan stay in tact? – and  
not be compromised by the heavy lobbying of development interest on City Council Members?

- Are there safeguards in place to assure the community that a mixed-use development will really have a “commercial” part? – and that it will not be converted to an even denser housing project, down the road, because the Developer no longer feels it’s profitable? ... or, just doesn’t want to be bothered with the commercial piece? How can the community rest assured that the original presentation of a mixed-use development to the community to get our approval, doesn’t end up as “something different”?
  - On top of page 39, it is explained that there are developed Specific Plans in different communities that explain the community stakeholder’s “vision” for their specific area. The Midtown Specific Plan specifically stated that there would be no development over 9 stories high, yet in 2010, the three Ohlone Towers, (approx 145 ft high), were approved over the protesting community who originally developed the Midtown Specific Plan. How can the community be assured that these Neighborhood Village Plans cannot be altered by Development lobbyists – pressuring our City Council, by a simple 6+ vote from our City Council?
- 5) Proposed Planning Horizons, Horizon Phasing, 2.2.7, pg 118, Section 2
- Are there time frames in place that “expire”, for entitled Housing projects, already in the Planning Dept. pipeline? Will they lose their entitlements if they don’t comply with the time line? Will it cause a Neighborhood Village to be compromised from a “balanced land use mix”?
  - How will the Planning Dept plan an Urban Village around a blighted area, that is privately owned & entitled - but the owner doesn’t have the capacity to build? How will this affect the planning & phasing of the Urban Village?
- 6) Project Objectives, 2.3, Section 2, pg 126 - 128
- How will the economic downturn in the Economy, the current City Budget, & loss of the Redevelopment Agency, initially affect the development of Neighborhood Villages?
  - How will the current City’s Budget deficit affect this new General Plan’s objectives?
  - Will there be dollars available to attract new business, as there has been in the past from the RDA?
  - Items #3 & #5, pg 127, How can the community be certain that a proposed Neighborhood Village Plan - that the pre-determined “planned mix” of development, will be adhered to? What if a Developer wants to build a development that conflicts with the Village Plan? – Will the existing Village Plan “change” to accommodate it – or, will the Developer be told he must follow the Plan? Would the Developer need to file an “Amendment”, as in the past? – Would the proposed Amendment involve additional community outreach?
  - Item #14 on pg 128, talks about strengthening regional transit services: How can the City be assured that VTA will be upgrading the efficiency & desirability of its transit system to accommodate the intensification of riders – to attract new businesses? – especially since the VTA has had some past issues, that have attracted two Grand Jury investigations in the past 8 years?
- 7) Policy IP 5.1, pg 162, 3) Building Heights & Density:
- Does this mean that a “Transition Zone” would be implemented and planned out – before any permits or entitlements are given to the Developer?

- 8) Policy IP-5.4, pg 163, Items 1-4, Item #4: How is this Process any different than the Process we've had in the past?
- 9) Norman Mineta Airport, 3.2.2, Thresholds of Significance, pg 238, Section 3.0
- 3<sup>rd</sup> Bullet line down: "Result in a change in air traffic patterns..." : How will San Jose's lack of an Airport O.E.I. Policy impact development? Would it be possible for a Developer to pressure/lobby the City Council to approve a project whose height might pass an FAA "No Hazard Determination" – but might impact an Airline's OEI zone, thus impacting that particular Airline's flight routes? How would the Public know if an Airline's flight route was discontinued, due to an approved high-rise development that violated a particular Airline's OEI requirements?
  - Will all future tall building height developments near Downtown San Jose & Mineta Airport, need to be approved by the A.L.U.C. before going through the Planning Commission?
  - (d), pg 238 : Decrease in Performance of Public Transit Facilities: How would a decrease in transit performance be measured BEFORE the development was built? If there was such a determination, would that mean that the development wouldn't be considered? – or, could it be granted an exception - or, a special Amendment to the new General Plan?
  - Will there be Amendments considered to this new General Plan, when a Developer wants to challenge the existing "Plan", as in the past? Example: The approved Ohlone Towers Project
- 10) Airport Impacts, 3.2.4.6, pg 292, Impact TRANS-6: What the actual distance that is considered to be "in the vicinity" of the Norman Mineta Airport? (Example: one mile?, two miles?) Would the Airport's Airline OEI Zone qualify as "in the vicinity"? How can the community have Certainty that the Airline's OEI Zone is protected – since the City Council has still not adopted an OEI Policy? How can the citizens of San Jose rest assured that our City's Lack of an OEI Policy isn't keeping Airlines from choosing San Jose to fly their long-haul heavy aircraft here, due to the lack of a City's commitment to the protection of their airport flight traffic vs. building height development?
- 11) Vibration, Construction Vibration, Section 3, pg 324 and Community Noise Levels and Land Use Compatibility Policies, Section 3, pg 348, Policy EC-1.7 regarding noise & vibration measures due to infill construction adjacent to residential properties property lines:
- What type of mitigation measures are in place for close infill projects where heavy earth compaction is planned - close to residential property lines, at times less than 50 ft away from vintage homes?
  - How will an adjacent residential property owner measure the construction impact on their home's vintage foundation? Will there be a foundation inspection "baseline" established before the earth compaction begins? Will there be an earth vibration calibration receptor device installed on the adjacent residential property that will record the violations?
  - What is the mitigation measure when the vibration concentration is breached by the Developer? – a repaired or new foundation? Who makes that call – the City? Public Works? City Attorney?
  - What type of City enforcement will take place if the Developer consistently breaches the established Development Practices, and the appointed Developer Coordinator is not responding? Has there been a Policy established and is it given to Developers when applying for their initial permits?

12) Noise and Vibration Impacts, 3.3.4.1, Traffic Noise and Land Use Compatibility Section 3, pg 325:

- It seems the new General Plan is trying to keep noise levels at a certain “acceptable level” for the new mixed-use development residents – however, the new cumulative noise levels may be significantly higher for the existing residential property adjacent to this new development. These existing residential stakeholders may have been in this location for quite some time, and they may be heavily vested in their property over the years, making many improvements. If the outdoor levels in their backyards exceed the 60dBA DNL, will the adjacent residential properties be compensated in some way, for the use of their “compromised” backyard, that is now less desirable - from the cumulative noise from the high-density development? Isn't this a type of Eminent Domain without compensation - for a “taking of peaceful enjoyment” of their property?
- How & “when” will this cumulative noise be measured to see if the new development is in compliance with acceptable levels?
- What City Dept will handle the mitigation measures/compensation?

As a District 6 , San Jose resident for the past 42 years, I appreciate the opportunity to address the Draft PEIR of San Jose's new 2040 General Plan. I look forward to your response.

Respectfully;  
Terri Balandra  
Sierra Avenue

**Davidson, John**

---

**From:** c c [thuyphuoc2001@yahoo.com]  
**Sent:** Sunday, August 14, 2011 10:36 PM  
**To:** The Office of Mayor Chuck Reed; District1; District2; District3; District4; District5; District 6; District7; District8; District9; Office of Councilmember Nancy Pyle; Davidson, John; City Owned Property  
**Subject:** Against the Rancho Del Pueblo golf course build 570 homes

To Whom It May Concern:

File: GP10-05-01, File: PP09-011

We want to express our opposition against the city's plan to replace the Rancho del Pueblo golf course to build more houses. Some of the immediate impacts will be:

1. Traffic, noise, and air pollution will increase significantly because many more people will use a limited number of lanes to go in and out every day. The current community on Hermocilla/King has 200 single-family houses. This plan has 570 units (almost 3 times more). King/Story intersection was expanded recently and it is already very busy. The exit ramps from/to 680 at both directions back up significantly during peak times, which can cause traffic hazards for drivers on the freeway.
2. Crime will increase simply because of the higher density of people. If it gets crowded with many more people, crime will increase. The shooting with two men died in August 2010 at the newly built apartment (San Antonio Ct, next to Freeway 101) is a worrisome example. Mercury News reported this crime:

"The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they've complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week."

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

3. Quality of life and public services will be negatively affected. We do not need more houses in this crowded area. New homes will need more schools, teachers, police-officers, fire-fighters, which the city might not have the money for. This plan will decrease and slow down emergency services, such as police cars, fire trucks, ambulances to our community.

As responsible taxpayers and concerned citizens, we believe there are other options instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

Sincerely,



Aug 15, 2011

John Davidson  
City of San Jose  
200 Santa Clara Avenue  
San Jose, CA 95113

Dear Mr. Davidson,

The American Lung Association in California (ALAC) appreciates the opportunity to comment on the Envision San Jose 2040 General Plan Draft Program EIR and to suggest additional policies that should be considered as feasible mitigation measures to meet the city's air pollution and greenhouse gas reduction goals. Such measures will reduce air pollution and greenhouse gases, support reductions in vehicles miles traveled (VMT), and promote a healthier, more sustainable community and future for all San Jose residents.

ALAC commends the City of San Jose for the extensive work on the General Plan Update, and for incorporating many forward thinking policies that promote sustainable, smart growth land use and transportation planning that will lead to healthier residents and reduced rates of chronic disease and premature death. The city is leading the way in its efforts to guide future growth *"in a form which will reduce the need for automobile travel while also promoting transit use, bicycling and walking as alternative means of mobility instead of automobiles."*

We especially appreciate the city's support for the development of a Community Risk Reduction Plan that will reduce air pollution exposures in high impact areas.

However, according to the EIR, vehicle miles traveled (VMT) is projected to increase above current conditions due to job growth and the location of housing. Additionally, the plan is not expected to achieve the City's Green Vision goal of reducing VMT by 40 percent by 2035. Because transportation is a primary source of greenhouse gases in the City of San Jose, it is clear that the city will need to pursue more aggressive transportation policies to reduce VMT and related greenhouse gases.

The American Lung Association in California offers the following recommended changes and additions be considered in the Envision San Jose 2040 General Plan Update as feasible mitigation strategies to help the city meet its goals to reduce air pollution and greenhouse gases. Such policies and actions will also support the implementation of the Community Risk Reduction Plan to ensure that sensitive populations are protected from harmful air pollution.

We are committed to seeing the city's innovative plan be a model for an equitable, sustainable and healthy planning document. As such, we also have suggestions where the City of San Jose can strengthen these policies by replacing "encourage" and "support" with "require" wherever possible.

### **Reducing Exposure to Air Pollution and Toxic Air Contaminants**

We support the development of a Community Risk Reduction Plan (CRRP) that provides special restrictions on and requirements for developments located near busy roadways and freeways, due to the need to reduce health impacts from exposures to air pollution and toxic air contaminants.

We suggest the following recommended changes and additions to existing general plan policies to support mitigation strategies in the Community Risk Reduction Plan as well as policies that improve air quality and reduce greenhouse gases citywide.

**MS-4.1** ~~Promote~~ **Require** the use of building materials that maintain healthy indoor air quality in an effort to reduce irritation and exposure to toxins and allergens for building occupants.

**MS-4.2** ~~"Encourage~~ **Require** construction and pre-occupancy practices to improve indoor air quality upon occupancy of the structure"

**MS-11.1** "Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs **such as air filtration and locating air intakes away from pollution sources**, or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety."

**MS 11.4** ~~"Encourage~~ **Develop policy to facilitate** the use of appropriate air filtration to be installed at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources."

**MS-11.5** ~~"Encourage~~ **Require** the use of pollution absorbing **low pollen** trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses."

**MS-11.6** **Add to existing language:** **The appropriate mitigation measures adopted by the CRRP to reduce health risk posed by the proposed development should be identified based on detailed modeling and assessment of local conditions at and surrounding the site, including proximity to freight-related hazards and empirically counted amounts of diesel truck and train traffic moving through the area.**

**Action MS-11.8** Require signage at **existing sites where trucks frequent as well** as new projects that generate truck traffic, which remind drivers that the State truck idling law limits truck idling to five minutes.

**Action MS-11.9** **Develop policy to limit truck idling to one minute or less in areas near sensitive populations.**

**MS-11.5** "Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses, where appropriate and feasible. **Trees will be evaluated for their potential to reduce pollen to help reduce asthma and allergy impacts.**"

## Goal MS 12 – Objectionable Odors

Smoke (wood smoke and tobacco) should be included in the definition of “objectionable odors.”

### Wood smoke pollution

Wood smoke makes up the largest source of PM in the wintertime. The City of San Jose currently has a wood burning ordinance that states: “No person shall create or cause the emission of noxious or offensive odors, **dense smoke**, or any private or public nuisance by burning any solid waste.” Because even small amounts of smoke can create a health hazard, the ordinance should be amended to indicate “**no visible emissions**.” Restrictions on outdoor wood burning devices, such as chimineas, should be considered.

### Suggested revision:

**Action MS-10.11** **Strengthen and** enforce the City’s wood-burning appliance ordinance to limit air pollutant emissions from residential and commercial buildings. **No person shall create or cause the emission of noxious or offensive odors or smoke, visible emissions of smoke, or any private or public nuisance by burning any solid waste.”** Work with air district to support additional measures to reduce exposures to wood smoke pollution, as outlined in 2010 Clean Air Plan.

### Diesel Truck Traffic Exposure Mitigations

The City of San Jose General Plan Update only includes one policy regarding truck circulation, MS-11.3, which does not adequately address all feasible measures to reduce air pollution impacts from diesel truck traffic in neighborhood areas highly impacted by air pollution. By only focusing on projects that generate significant traffic, the policy does not address reviewing existing truck routes throughout the city. Additionally, **Policy TR 6.2 supports maintaining existing truck routes without mention of impacts on sensitive receptors: *Maintain Primary Freight Routes that provide for direct access for goods movement to industrial and employment areas.***

We suggest the following policy and policy changes related to truck circulation and traffic:

**MS-11.3** ~~“Truck circulation routes will be reviewed for projects generating significant heavy duty truck traffic to designate truck routes that~~ **Review truck circulation routes and develop alternative routes that decrease exposures in communities most impacted by air pollution to minimize exposure of sensitive receptors to TACs and particulate matter.”**

**Policy TF-6.3 Encourage** **Require** through truck traffic to use freeways, highways, and County Expressways and encourage trucks having an origin or destination in San Jose to use primary truck routes designated in this General Plan.

### Additional Mitigation Measures to Reduce PM

**Suggested Policy:** Require Best Available Control Technology on construction equipment operating on construction sites within 1,000 feet of schools, childcare, hospitals and

playgrounds. Construction equipment should meet US EPA Tier IV emissions standards or install verified “Level 3” controls that can achieve at least 85 percent reductions in PM.

**Suggested Policy:** Require best available control technology for on-site generators to reduce emissions.

**Suggested Policy:** Develop policy to restrict use of gas leaf blowers and lawn mowers. Work with BAAQMD to implement an electric lawn mower/leaf blower exchange program in areas designated as Care Communities.

**Suggested Policy:** Work with BAAQMD to control emissions from commercial wok cooking and solid fueled cooking devices such as outdoor commercial barbecues and wood fired pizza ovens to reduce localized harmful particle pollution. This policy is included in Further Study Measures as part of the BAAQMD 2010 Clean Air Plan.

### **Urban Heat Island Mitigation**

Health language regarding the effects of urban heat islands and need for additional mitigation measures should be incorporated into the General Plan Update and Community Risk Reduction Plan. A recent Stanford University study found that domes of increased carbon dioxide concentrations – discovered to form above cities more than a decade ago – cause local temperature increases that in turn increase the amounts of local air pollutants, raising concentrations of health-damaging ground-level ozone as well as particles in urban air. Jacobson estimated an increase in premature mortality of 50 to 100 deaths per year in California.

<http://news.stanford.edu/pr/2010/pr-urban-carbon-domes-031610.html>

In addition to adding health language, additional strategies that can reduce the urban heat island should be included in General Plan Policy MS-2.6 as follows:

**Policy MS-2.6** ~~Promote~~ **Require roofing design, including green and cool roofs, trees and vegetation, cool pavements and surface treatments that reduce the heat island effect of new and existing developments.**

### **Transportation Policies to Reduce Vehicle Miles Traveled**

Because the projected rates of both VMT and vehicle trip growth in the General Plan are greater than the rate of population growth, the City of San Jose will not meet its goals to reduce vehicle miles traveled. Therefore, we recommend that the existing Tier II Vehicle Miles Traveled Reduction Actions be implemented in Tier I to facilitate the fastest possible transition to mode share shift that incentivizes walking, cycling, transit, car sharing, carpooling and other non single occupant vehicle use. Below are additional recommended language changes in those policies.

**Action TR-10.1** ~~Explore development of a program for implementation as part of Tier II,~~ **Develop policy** to require that parking spaces within new development in areas adjacent to

transit and in all mixed-use projects be unbundled from rent or sale of the dwelling unit or building square footage.

**Action TR-10.2** ~~In Tier II, reduce~~ **Adopt policy** to reduce minimum parking requirements citywide.

**Action TR-10.3** ~~Encourage participation~~ **Facilitate** car sharing programs ~~for new development in identified growth areas.~~ **throughout the city.**

**Action TR 10.4** ~~In Tier II,~~ **Adopt policy to** require that a portion of adjacent on-street and city owned off-street parking spaces be counted towards meeting the zoning code's parking space requirements.

We have the following recommended changes to these general plan transportation policies as feasible measures to further reduce vehicles miles traveled.

**TR-1.1** Accommodate and ~~encourage~~ **facilitate the** use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

**TR-1.4** Transportation improvements funded through new development should include needed improvements to all modes, including bicycling, walking and transit. ~~Encourage~~ **Prioritize** investments that reduce vehicle travel demand.

**TR-1.8** Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emissions standards are met. **Prioritize investments in bicycle and pedestrian facilities in low-income communities, which are less likely to have access to a private automobile, and thus more likely to be dependent on walking and bicycling for transportation.**

**TR-7.1** Require ~~large~~ employers of **20 or more** to develop TDM programs to reduce the vehicle trips generated by their employees. **(SB 582, supported by the Bay Area Air Quality Management District and Metropolitan Transportation Commission, required employers with twenty or more employees to provide one of three commuter benefits e.g. by administering a program to allow employees to pay for public transit, vanpooling or bicycling expenses with pre-tax dollars.)**

**TR-8.3** **Implement policies that** ~~Support using~~ **use** parking supply limitations and pricing as strategies to encourage use of non-automobile modes.

**MS-10.5** In order to reduce vehicle miles traveled and traffic congestion, new development within 2,000 feet of an existing or planned transit station will be required to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines, transit incentives, **parking benefit districts, and implementation of car sharing programs.**

**Note:** Revenues from parking benefit districts can be designated to fund shuttle services, as well as streetscape improvements, such as improved sidewalks, curb ramps and street trees, to improve the safety of the pedestrian environment in the neighborhood.

The American Lung Association in California echoes the concerns made by Greenbelt Alliance and other organizations that the Plan's emphasis on more jobs than homes and significant roadway expansions will negate the balanced transportation goals of Envision 2040. More must be done to make a shift away from auto-dependence. We support the policy and mitigation recommendations by Greenbelt Alliance to enhance the bicycle network, and policies that focus on walking, cycling and supporting transit, including parking reform, parking pricing, parking benefit districts, and parking cash out programs. Additionally, we support policies in the city's planned and identified growth areas that focus first on the city's non-auto transportation system, rather than expanded road capacity.

### **Other Policies**

#### **Low Allergy Tree Planting**

The City of San Jose is commended for its ambitious tree-planting program. However, it is critically important that trees be selected for low pollen so they don't worsen asthma, allergies and other lung diseases. We recommend the following language to address pollen.

**MS-21.3** Ensure that San José's Community Forest is comprised of species that **are low pollen to reduce allergies**, have low water requirements and are well adapted to the city's Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.

Thank you for your consideration of these recommendations to incorporate health protective policies into the General Plan for residents most impacted by air pollution, as well as provide cleaner air and a healthier more sustainable community for all San Jose residents.

For more information, please contact Jenny Bard, Regional Air Quality Director, at 707-527-5864 or by email at [jbard@alac.org](mailto:jbard@alac.org)



August 15, 2011

Envision San Jose 2040 General Plan Task Force  
City of San Jose  
200 East Santa Clara St.  
San Jose, CA 95113

Via Email: John Davidson, [john.davidson@sanjoseca.gov](mailto:john.davidson@sanjoseca.gov) (408)535-7895

**RE: Comment Letter Draft Program Environmental Impact Report**

Dear Envision San Jose 2040 Task Force Members and Staff;

On behalf of the Building Industry Association of the Bay Area (BIA) we appreciate the opportunity to provide comments and concerns regarding the Envision San Jose 2040 Draft Program Environmental Impact Report (PEIR). While the BIA appreciates the outreach and information provided by staff and the San Jose 2040 Task Force, we cannot envision a vibrant economy for the City of San Jose if the PEIR plan goals, policies and implementation actions are realized.

There seems to be a growing disconnect between what the City of San Jose wants and the reality of our south bay market conditions. The focus of the Envision 2040 General Plan is to encourage job growth; however the City Council and the Task Force have made it clear the preference is not for those jobs to be related to residential construction. The City desires having a jobs-to-housing ratio more intense than it was at the very height of the dot com boom; creating 470,000 new jobs and only allowing the construction of 120,000 new high density housing units. Designating job growth in a General Plan does not make those jobs appear, but planning to reduce your jobs-to-housing ratio to 1.3 to 1 will certainly make relocating a business center to the City of San Jose less desirable. It places a significant burden to provide housing to support those jobs outside of San Jose's sphere of influence – impacting significantly the environmental goals the Plan set out to correct.

Before the current economic recession, the housing industry was widely understood to play an integral role in San Jose's economy; yet the PEIR does not count these jobs in their growth capacity goal to attain 470,000 new jobs. Despite the economic downturn, new housing construction still has a positive economic and fiscal effect in San Jose (Center for Housing Policy's study "Building California's Future" attached). For the fiscal year 2009-10 the construction of a median-priced home in the state of California produces an estimated \$375,699 in new economic activity. In addition the construction of each new median priced home built in 2009-10 created an estimated 2.1 jobs. The data provided in attached study suggests that housing development is both economically and fiscally beneficial despite our current economic downturn.

The PEIR does not consider what will happen if the anticipated job numbers are not reached. The document should consider the economic impact to San Jose if housing production is discouraged through phasing, neighborhood opposition, and density requirements and the projected job growth never occurs. This would further reduce San Jose's ability to compete with neighborhood jurisdictions for employment centers creating a significant impact to San Jose's economic viability that is not properly studied in the PEIR.

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Evaluation of the potential biological impacts and associated mitigation for adopting a plan with a goal of achieving an unbalanced jobs/housing ratio are not thoughtfully considered in the PEIR. In addition to the local CEQA process for project approval the Bay Area also has an unprecedented regional planning overlay that was not considered in PEIR. Recent regional planning documents akin to; the Bay Area Air Quality Management District's (BAAQMD) Green House Gas Thresholds of Significance, the Bay Conservation and Development Commissions Proposed Bay Plan Amendments, and the Sustainable Communities Strategy proposed by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) will have an impact on our region's ability to provide adequate housing and plan for a vibrant and diverse regional economy. Future projects will have additional planning burdens to comply with environmental goals and mitigation mandates of regional policy. Areas not considered in the PEIR.

The Plan phases new housing growth within identified growth areas and precludes large scale home building from happening outside of these growth areas, but the PEIR does not study the option of adapting to changing market conditions. For the most part the planned density is 55-dwelling units per acre with only a small allowance reduced density in areas adjacent to existing single-family neighborhoods. While infill and intensification are certainly the focus of the plan there is no discussion on creating real economic incentives for residential builders to achieve these massive densities. The Plan does not include flexibility to react to market forces, or strong policy positions like exercising eminent domain to achieve large scale redevelopment acquisition in desired areas. The PEIR does not address limitations in the City's current budget, the potential loss of RDA funding, and how it will invest in the required infrastructure to make building the "Urban Villages" a viable business venture. Without strong construction incentives and community buy-in to the intense residential densities defined in the plan the planning goals will continue to stifle San Jose's economic recovery; resulting in less housing built and higher home costs due to greater demand. The Plan's goal is to eliminate the one thing San Jose has going for it – adequate housing. The PEIR does not study these financial planning and infrastructure problems or identify how they can be mitigated.

Land developers are just starting to move forward and acquire new residential parcels. While banks are still burdened with refinancing and foreclosures they seem amenable to providing financing on residential projects with phased risk. The intensification of residential housing described in the Plan would make future economic investment in San Jose an uncertain venture. The Plan mandates a development type that has been particularly hard to sell in San Jose, even in the City's downtown. The PEIR does not evaluate these economic conditions.

We respectfully ask that you reconsider adoption of the Draft Program Environmental Impact Report and do the necessary economic analysis to encourage a healthy jobs/ housing ratio that will encourage residential and economic development in San Jose.

Thank you for your time and consideration.

Sincerely,



Crisand Giles

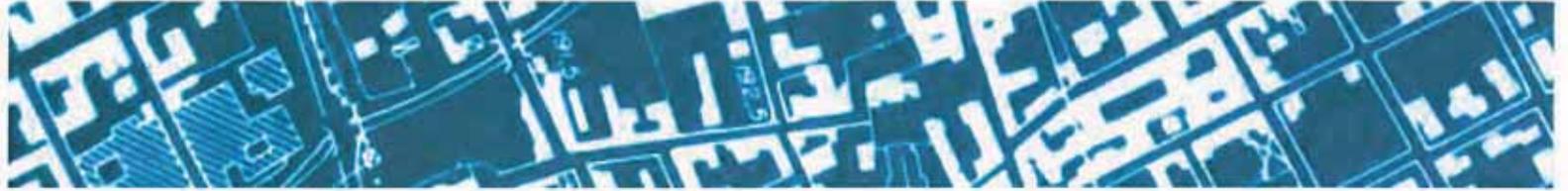
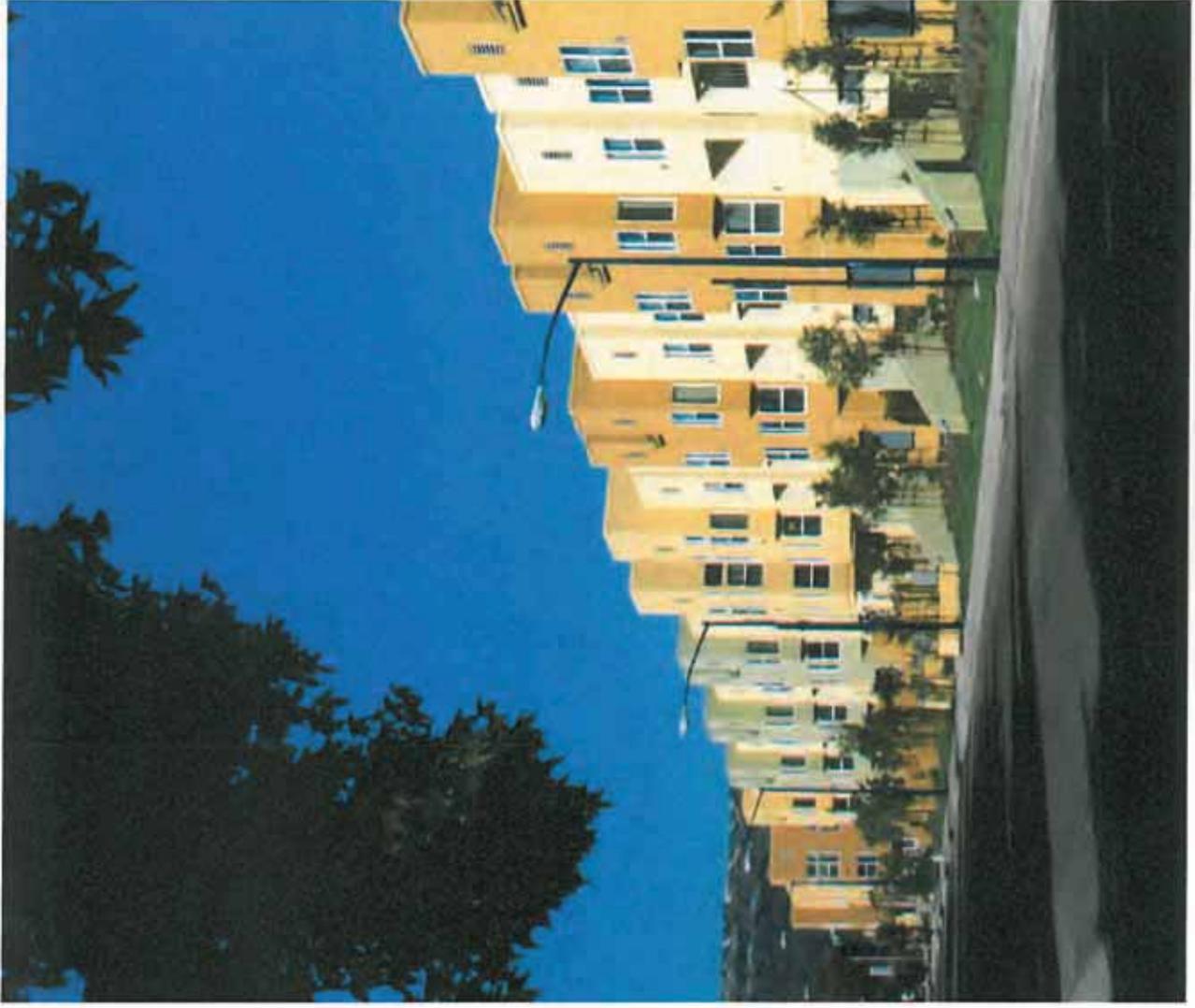
Executive Director, South Bay

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# BUILDING CALIFORNIA'S FUTURE

An Economic and Fiscal Analysis  
of Housing Construction  
in the Golden State



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SHUTTERSTOCK

COVER PHOTOS LEFT: SHUTTERSTOCK; CENTER: FREDERICK BRUNDAGE; RIGHT: FRANK OCARIE. COURTESY OF THE OFFICE OF THE DISTRICT OF COLUMBIA

# BUILDING CALIFORNIA'S FUTURE

An Economic and Fiscal Analysis  
of Housing Construction  
in the Golden State

By Maya Brennan and Keith Wardrip  
Center for Housing Policy

*Prepared for and funded by the California Department of Real Estate,  
the California Department of Housing and Community Development,  
and the California Housing Finance Agency*

*Additional funding provided by the Bank of America Foundation  
and the Wells Fargo Housing Foundation*



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## About the Authors

**Maya Brennan**, a Senior Research Associate at the Center for Housing Policy, earned a Master of Science in Urban Policy from the Milano Graduate School for Management and Urban Policy at the New School in New York. She previously served as a Research Assistant to the New York-based Community Development Research Center.

**Keith Wardrip** is a Senior Research Associate at the Center for Housing Policy. He holds a Master of Arts in Geography from the University of Colorado and was previously a Senior Research Analyst at the National Low Income Housing Coalition.

## Acknowledgements

This report is based on research conducted by Blue Sky Consulting Group, summarized in *Analysis of the Fiscal and Economic Effects of New Housing Construction in California* by Matthew Newman, Ms. Brennan and Mr. Wardrip greatly appreciate the advice and comments of Matthew Newman of Blue Sky and Jeffrey Lubell of the Center for Housing Policy. Any views or opinions expressed in this paper are those of the authors and do not necessarily represent the views of the California Department of Real Estate, the California Department of Housing and Community Development, the California Housing Finance Agency, the Bank of America Foundation, the Wells Fargo Housing Foundation, or any of their employees or agents. Any errors or omissions are the fault of the authors alone.

STOCKPHOTO



## EXECUTIVE SUMMARY

Before the current economic recession, the housing industry was widely understood to play an integral role in California's economy. Employment in housing construction and related industries was robust, and state and local budgets benefited not only from the economic activity that the industry generated but also from the taxes paid by builders and homebuyers alike—all while increasing the supply of housing to keep pace with rising demand. The high prices of many of the homes built in the last decade produced significant tax revenues for state and local governments, and both the new residents and those who earned a living in the construction industry helped keep the economy humming.

But times have changed. A combination of risky lending, rising unemployment, and protracted foreclosure and credit crises has contributed to declining home values—by roughly 26 percent for new homes statewide since 2005.<sup>1</sup> The pace of housing construction has also slowed considerably, with the number of permits issued in 2009 at less than 20 percent of peak levels and only one-third of the annual volume experienced through the 1990s.<sup>2</sup> Unemployment has eclipsed 12 percent, and even after several years of post-bubble contraction, the

state continues to lose jobs in the construction sector.<sup>3</sup> Given current conditions, it is wise to ask if new housing construction continues to act as an economic driver. Similarly, do new units pay for themselves and more, or do they require more of government resources than they give back?

This report finds that, despite the downturn, new housing construction still has positive economic and fiscal effects in California.

► **Economic Effects.** For fiscal year 2009–10, the construction of a median-priced home in the state of California produces an estimated \$375,699 in new economic activity. This economic activity, which can range from the purchase and installation of materials by a builder to the production of windows by a supplier to the purchase of groceries by a roofer, is enough to support the creation of 2.1 jobs per new unit built, on average.

► **Fiscal Effects for the State of California.** The construction of a median-priced home has a positive estimated one-time fiscal impact for the state of \$10,479 as it is being built and an ongoing annual fiscal impact of \$1,869 after it is occupied, as average revenues generated by the residents outweigh the costs of providing state services.

► **Fiscal Effects for Cities and Counties.** Permitting and building a median-priced home is estimated to have a positive, substantial one-time fiscal impact for the average city (\$759) and

the average county (\$1,442). Ongoing annual fiscal effects of new housing construction are also positive in the average city (\$262) and county (\$45). Fiscal effects for counties typically exceed these averages when a home is built in an incorporated area, as the vast majority are, but are lower for units built in unincorporated areas.

The estimates provided in this report suggest that in most places and by most measures, housing development is both economically and fiscally beneficial for communities in California, despite the housing downturn. On average, revenues for cities and counties continue to more than cover ongoing expenditures associated with development. But in places where values have fallen the farthest in recent years, property and sales taxes have diminished, and construction activity has stalled, ongoing fiscal effects can be more modest or negative. In these communities, revenues may improve in sync with the housing market, or governments may need to make hard choices to better align their expenditures with the reality of their current revenues.

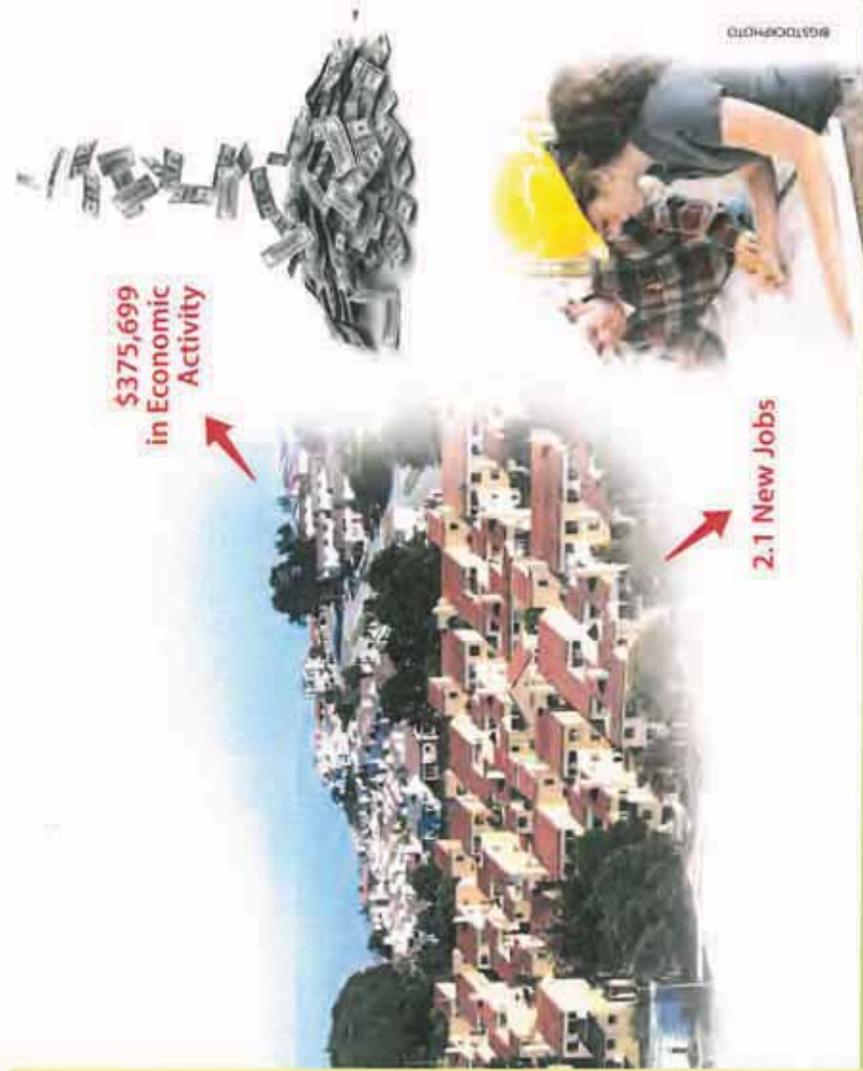
While this report focuses principally on the impact of constructing a median-priced home, a sensitivity analysis shows that even the construction of lower-cost housing has a positive fiscal effect on the budgets of the state and typical locality. This suggests that the development of lower-cost homes for Californians who cannot afford today's prices is not only an important strategy for attracting and retaining an essential workforce but also a sound financial move for local government.

## California's Economy Benefits from New Housing Construction — Even in a Downturn

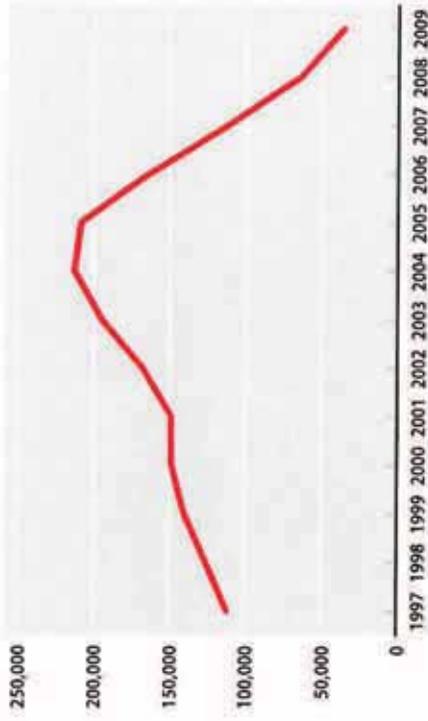
Housing construction has long been recognized as a major driver of California's economy, and the sector still employs thousands of Californians and generates billions of dollars in economic activity, even in troubled economic times. Although the total economic impact of home construction in the state has declined as the volume of home building has dropped, the next new home built still provides a strong boost to the state's economy.

Estimates for fiscal year 2009–10 show that a newly built, median-priced home adds more than \$375,000 in economic output for the state and creates 2.1 new jobs. These projections are based on residential building permit issuance and construction costs through October 2009.

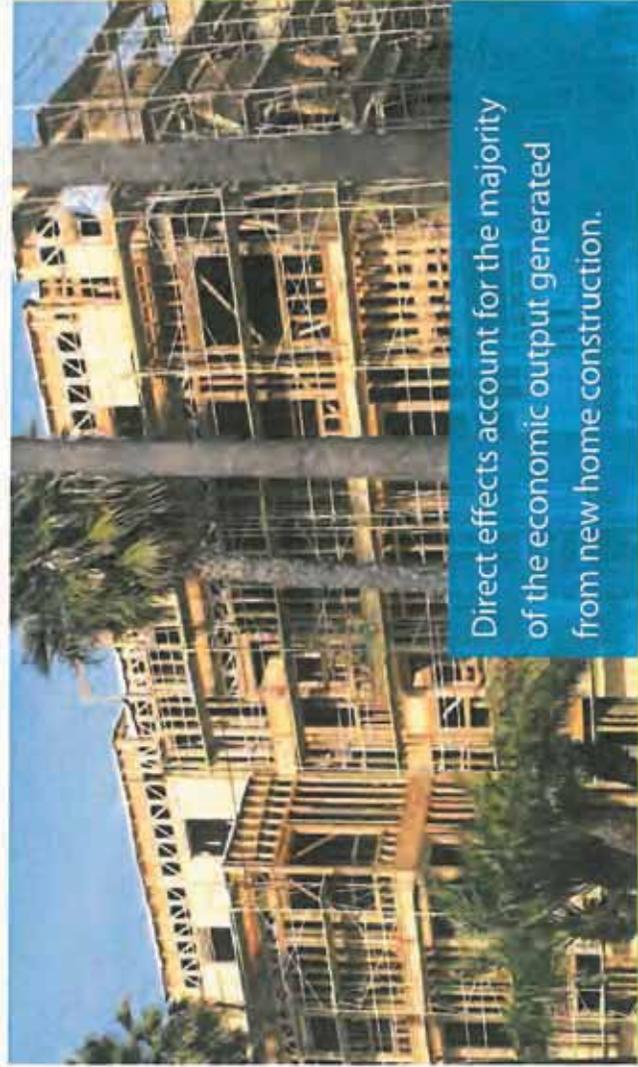
Since the downturn in the housing market in 2006, household growth has outstripped growth in the number of new housing units.<sup>1</sup> In addition, the inventory of existing homes on the market has fallen significantly from levels observed in late 2008 and early 2009, providing a further indication that the state's housing market is not characterized by oversupply. As long as household growth outpaces new construction, economic theory would predict rising prices and reduced affordability.



## Residential Permits Issued Annually, 1997–2009\*



\*Residential permit data are from the California Building Industry Association.



Direct effects account for the majority of the economic output generated from new home construction.

## Home Construction's Direct Effects Account for More Than Half of Economic Output

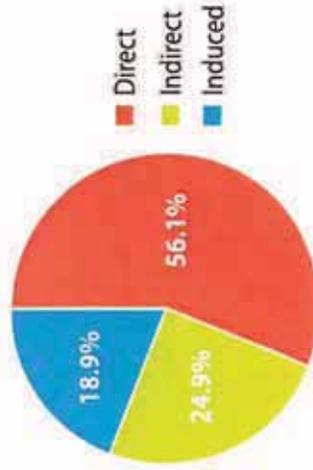
The projected \$375,699 in economic output generated for California by each new home built in fiscal year 2009–10 comes from three sources of economic activity: direct, indirect, and induced effects of home construction.

**Direct effects** are the impacts of spending by the construction firm on construction materials and wages for construction workers. As shown in the pie chart and table, direct effects account for the majority (56.1% or \$210,942) of the economic output generated from new home construction.

**Indirect effects** are the impacts of spending by suppliers of goods and services, such as the price of raw materials to make windows or the wages paid by a supplier to its employees. Indirect effects are responsible for the next-largest portion of economic output at 24.9% or \$93,595.

**Induced effects** are the impacts of the additional demand for goods and services created when employees of the construction firms or their suppliers spend their paychecks on things like food, clothing, housing, and entertainment. Induced effects account for \$71,162, or 18.9%, of the economic output from new home construction.

### Economic Output from Each New Home Built in Fiscal Year 2009–10, by Type



#### Type of Economic Effect

Economic Output Generated for California, FY 2009–10

Direct	\$210,942
Indirect	\$93,595
Induced	\$71,162
<b>Total</b>	<b>\$375,699</b>

Percentages in the pie chart do not add to 100 percent due to rounding.

## Construction of a New Home Generates 2.1 Jobs on Average

Home construction boosts employment in the state, both in the construction industry and in linked industries. For each new job created as a direct result of building a new home, the state gains more than one additional job through the indirect and induced effects of home construction.



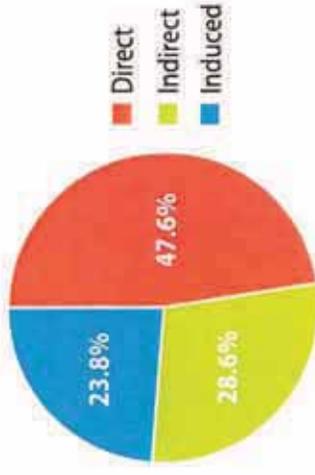
HILL STREET STUDIOS/GETTY IMAGES

Each new median-priced home built in California in fiscal year 2009–10 creates an estimated 2.1 jobs based on average economic output per employee in the residential construction industry, linked suppliers of goods and services, and

industries that benefit from induced effects of new home construction.

When a new home is built in California, one new job (or 47.6% of the 2.1 jobs in all) is created as a direct effect of home construction. The indirect effects of home construction, such as increased demand on manufacturers of windows and doors, are responsible for the next-largest share of jobs created at 28.6% (0.6 jobs). Induced effects, such as spending by construction or supplier employees on groceries and healthcare, account for 23.8% of jobs created (0.5 jobs).

## Jobs Created with Each New Home Built in Fiscal Year 2009–10, by Type



Type of Economic Effect	Jobs Created FY 2009–10
Direct	1.0
Indirect	0.6
Induced	0.5
<b>Total</b>	<b>2.1</b>

The indirect effects of home construction are responsible for 28.6% of jobs created.

ISTOCKPHOTO



## Benefits of New Home Construction Extend to Many Industry Sectors

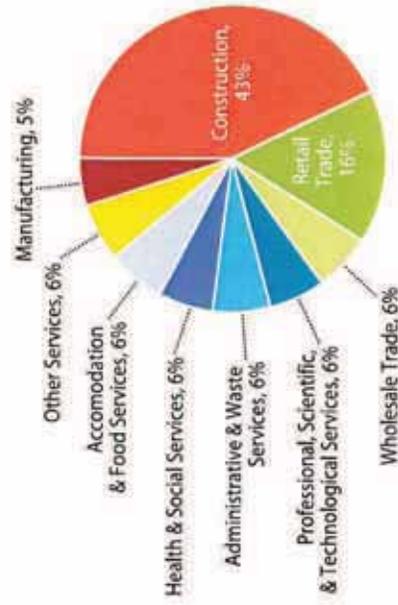
Some 43 percent of the new jobs created when a home is built are within the construction sector, but many other industry sectors benefit as well through indirect and induced activity. Retail trade receives the next-largest portion (16%) of new jobs linked with home construction due to the induced effects of employee spending as well as retail purchases by construction firms and suppliers. Manufacturing (5% of new jobs), wholesale trade (6%), professional services (6%), accommodation and food services (6%), and other sectors benefit from new home construction as well.

### INDIRECT AND INDUCED EFFECTS STRONGLY FELT BY A FEW MAJOR SECTORS

Manufacturing, professional services, and retail trade account for nearly 67 percent of all indirect employment effects. Indirect economic activity in these sectors stems from purchases of supplies and services (such as architectural and legal reviews) needed for home construction.

Seventy-five percent of all induced employment from new home construction occurs in the retail trade, health and social services, and accommodation and food services sectors.

### Share of New Jobs Created by Employment Sector



## Economic Impacts Are Higher in Regions with More Construction-Related Businesses

The economic impact of new home construction varies across the state, as shown in the table. Among the six regions examined in this study, the estimated economic output per new home ranges from \$331,295 in the Inland Empire (which consists of Riverside and San Bernardino counties) to \$433,355 in Orange County. Despite variations in economic output per new home, each of the six regions experiences strong positive economic impacts when a new home is built.

Variation between regions mainly reflects differences in home construction costs and in the extent of economic activity that is captured within a region's boundaries. In a region that is home to large numbers of construction firms and suppliers, the economic output and job creation per dollar of construction costs will be maximized because related spending is more likely to be captured by local establishments and less likely to "leak" to firms outside the region.

Economic Impacts by Region, FY 2009–10

Region	Economic Output Per New Home	Jobs Created Per New Home	Average Construction Costs per Unit
Orange County	\$433,355	2.4	\$259,488
San Francisco Bay Area	\$421,696	1.7	\$258,322
San Diego County	\$418,946	2.4	\$261,054
Los Angeles County	\$375,280	2.1	\$217,521
Sacramento Area	\$351,680	2.1	\$214,958
Inland Empire	\$331,295	2.0	\$203,376



MARTIN RODRIGUEZ/GETTY IMAGES



PHOTOGRAPHY

FISCAL EFFECTS OF NEW HOUSING CONSTRUCTION IN CALIFORNIA

## New Housing Construction Improves the State's Fiscal Health from Day One

At the time of its construction, a median-priced home in California has a substantial positive impact on the state's budget. On average, the one-time fiscal effect on the state is \$10,479.

The primary one-time state revenues associated with the construction of a home are corporate taxes on builders' profits and sales taxes from the purchase of construction materials. Despite the recent decline in home prices, the cost of building the median-priced home has actually increased somewhat due to higher construction costs and shifts in the types of housing being built, which generates a premium in the taxes paid on construction materials.

## One-Time Fiscal Effect of a Median-Priced Home on the State Budget (Fiscal Year 2009–10)



$$\begin{array}{l} \text{Sales tax} \\ \text{on construction} \\ \text{materials} \end{array} + \begin{array}{l} \text{Tax} \\ \text{on builders' } \\ \text{profits} \end{array} = \text{\$10,479}$$

## Covering the Costs of Infrastructure

This analysis considers the development-related fees paid to general purpose local governments (i.e., cities and counties), as well as the outlays for infrastructure made by these entities. However, due to data limitations, this analysis does not cover the sizable cash payments and in-kind contributions (i.e. construction of roads or parks) required of some developers on a case-by-case basis, nor does it include charges made by special-purpose local entities such as sewer districts or schools. These additional charges can be substantial (even exceeding \$100,000 per unit in some cases). For the same reason, this analysis does not include the infrastructure costs that such revenues are intended to cover. Further research is needed to examine the relationship between (a) the total fees and in-kind contributions required of developers of new housing units and (b) the total costs to local government and special districts of providing the infrastructure needed to serve the new residents.

IMAGE: BROWN/NATIONAL GEOGRAPHIC IMAGE COLLECTION/GETTY IMAGES



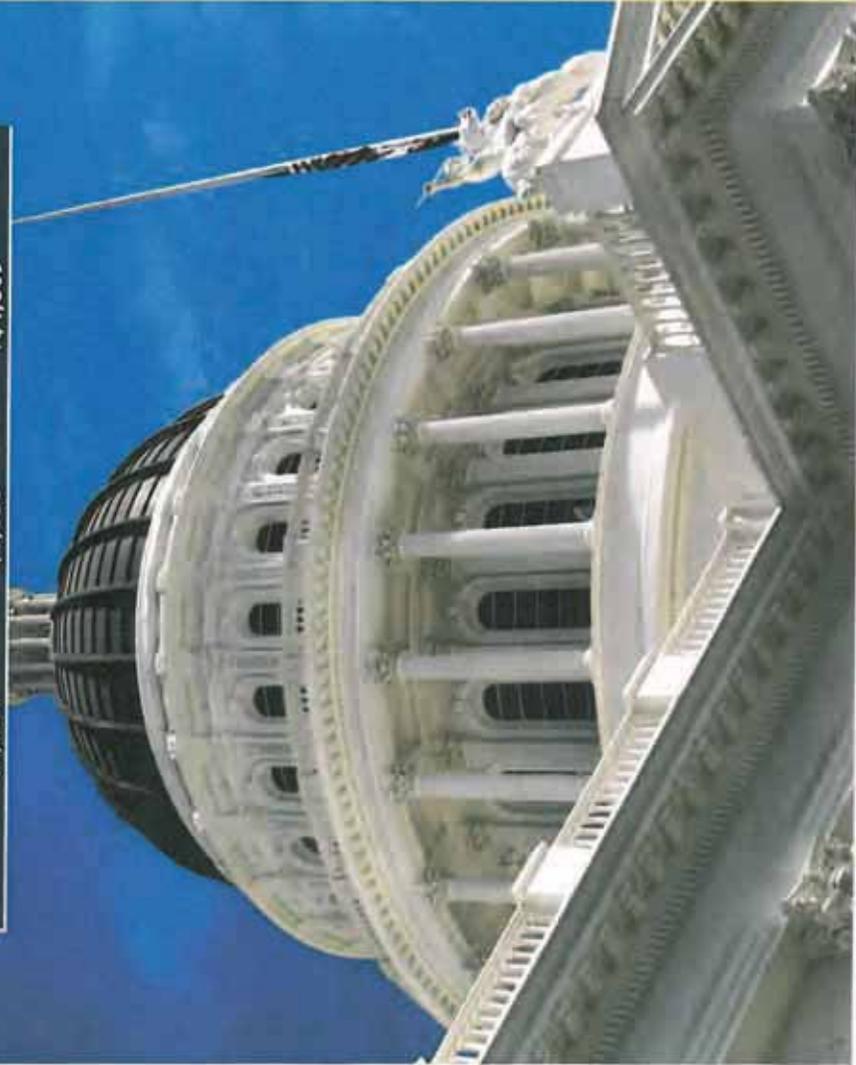


## New Housing Continues to Have a Positive Effect on the State Budget After It Is Built

In most cases, a home is occupied after it is built. At that point, the state must begin providing services (such as education) to the home's residents, and in order to cover the cost of those services, the residents must in turn pay income and other state taxes. If revenues from the household are greater than expenditures by the state, the construction of the home can be said to have a positive ongoing fiscal effect on the state's budget.

The construction of a median-priced home in California in fiscal year 2009–10 is projected to have a substantial positive annual impact on the state budget. On average, the residents expected to occupy a new, median-priced home built in California are expected to generate \$7,507 in annual revenue for the state and consume only \$5,638 in services, for a net annual fiscal impact of \$1,869. More than half of all state revenue can be attributed to personal income taxes paid by the occupants of the new housing, and about 60 percent of all expenditures can be traced to the expected costs of K-12 and higher education for the occupants of the new units.

The ongoing fiscal effect of a home priced both 25 percent below and 25 percent above the median is also positive, at \$928 and \$2,801 respectively. Should prices fall or rise marginally, housing construction would continue to have a positive impact on California's state budget.



## Local Budgets Benefit Immediately from New Housing Construction

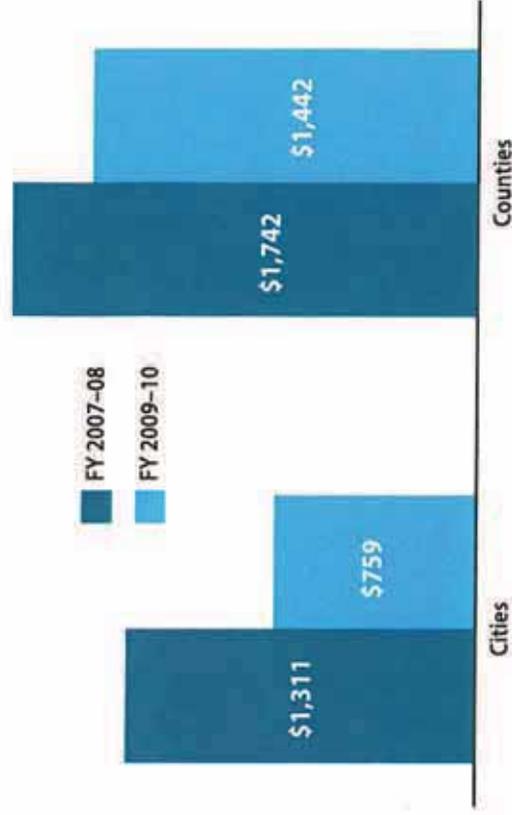
Like the state of California, cities and counties also stand to gain fiscally when a new home is built within their borders. For this to happen, revenues associated with new construction — such as the sales tax on building materials, property transfer taxes, and revenues from permits and licenses — must outweigh the costs that local governments incur to support this development (e.g., issuing permits, inspecting homes, zoning, etc.).

A newly constructed median-priced unit provides a positive one-time fiscal impact of \$759 in the average city and \$1,442 in the average county.

Though still significant, the average one-time fiscal effect for cities and counties is not as substantial as in recent years. This can in part be linked to higher per-unit costs for local governments, because the expenses associated with overseeing the home construction process, such as approving and permitting new housing construction, must be spread across fewer units than in years past.

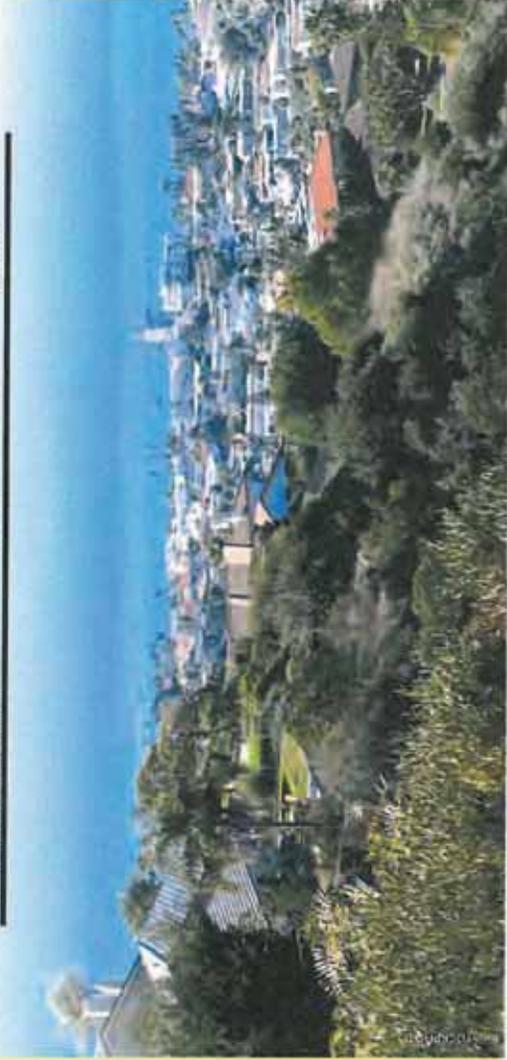
It is also worth noting that the average one-time fiscal effect of a newly constructed unit is partially dependent on where in the county it is constructed. As the table shows, a median-priced unit built in an incorporated part of a county has a slightly higher one-time fiscal impact, on average, than does a unit built in an unincorporated area.

## One-Time Fiscal Effect of a Median-Priced Home



## Average One-Time Fiscal Effects Are Significant in Both Incorporated and Unincorporated Areas (Fiscal Year 2009-10)

	Share of Construction Activity	One-Time Annual Fiscal Effect
Countywide Average	100%	\$1,442
Incorporated Area	81%	\$1,530
Unincorporated Area	19%	\$1,095

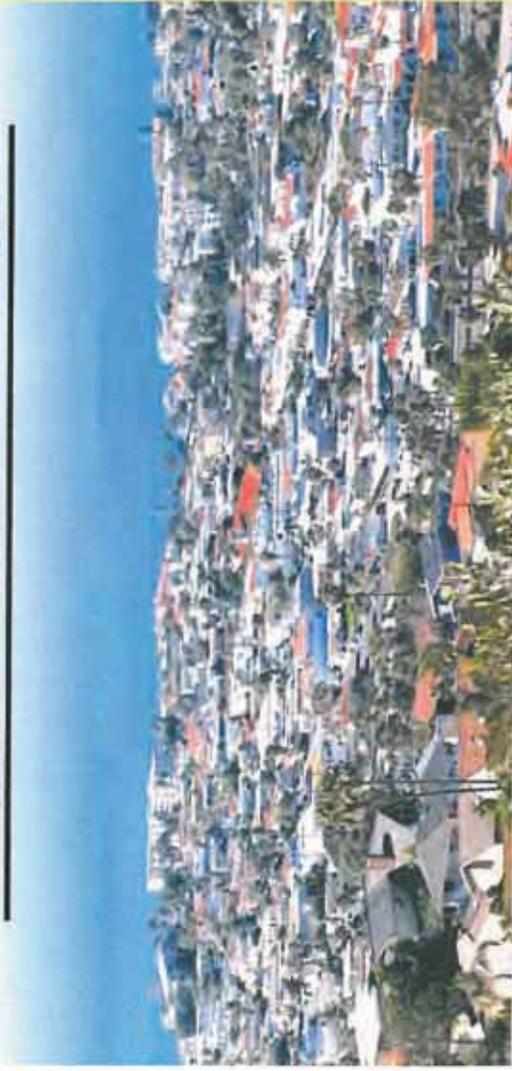


## Ongoing Fiscal Effect of a Median-Priced Home



## Average Ongoing Fiscal Effects Are Positive in Most Areas (Fiscal Year 2009-10)

	Share of Construction Activity	Ongoing Annual Fiscal Effect
Countywide Average	100%	\$45
Incorporated Area	81%	\$203
Unincorporated Area	19%	-\$586



## New Housing Construction Has a Positive Ongoing Impact on Most Jurisdictions' Budgets

The construction of a new housing unit generates a variety of revenues for city and county governments, year after year, the most significant sources of which are property and sales taxes. When these and other revenues exceed the costs of providing police and fire protection, health and sanitation, and other services to the occupants of a new home, the ongoing fiscal impact of the new unit is positive.

In general, California cities and counties can expect the occupants of a home constructed in fiscal year 2009-10 to contribute more in annual revenue than they will require in annual expenditures. As the chart shows, housing's ongoing annual fiscal impact is not as robust as it was two years prior, primarily because falling prices have decreased expected property and sales taxes, and falling construction activity has increased the per-household cost of providing some government services. Despite these recent trends, the median-priced home continues to pay its own way in the average city and county.

As the table shows, the generally positive ongoing fiscal effect of a median-priced home on a county's budget depends on where within the county it is constructed. When construction occurs in an incorporated part of the county, as is typical, the net impact is \$203 and rivals the estimate for the average city. But for the fewer than one-fifth of homes built in the unincorporated portion of counties, the average ongoing fiscal impact is negative, largely because providing services such as law enforcement across a lower density area can be expensive on a per-household basis.<sup>3</sup>

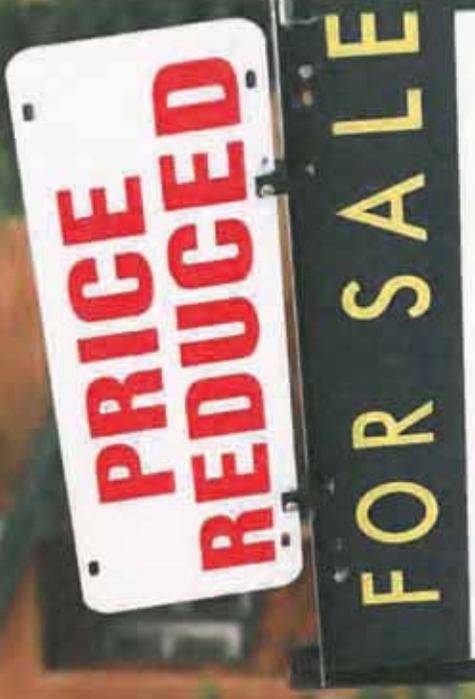
## Fiscal Effects Vary Based on Recent Changes in Home Prices and Construction Levels

Every community makes decisions about the taxes and fees that households are obliged to pay and the services that residents can expect to receive. Over the long term, revenues and expenditures must be equivalent in order to balance the budget.

Recent rapid declines in home prices and building activity have reduced many governments' revenues by simultaneously limiting new construction activity and lowering the property and sales taxes that can be expected from new households.

The tables show that the fiscal impact of a newly constructed home is lowest in cities that have experienced the largest declines in prices and construction activity. But where prices and development levels have been more stable, fiscal impacts are significantly higher than average.

In jurisdictions where new construction currently has a negative fiscal impact, a rebound in home prices would lead to greater revenue from construction activity, thus reducing or reversing the negative effect.



### Fiscal Effects Are Higher in Cities Where Prices and Permitting Have Remained Relatively Stable

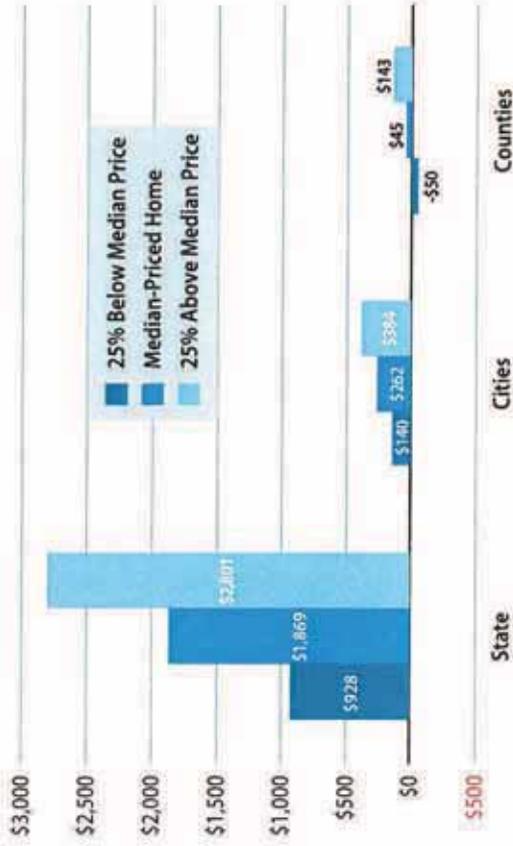
% Decline in a City's Median Home Price Compared to FY 2007-08*	Ongoing Fiscal Effect (FY 2009-10)
More than 23%	-\$204
16-23%	\$155
6-16%	\$340
Less than 6%	\$524
<b>Average City in CA</b>	<b>\$262</b>

% Decline in a City's Permits Issued Compared to FY 2007-08*	Ongoing Fiscal Effect (FY 2009-10)
More than 82%	-\$594
57-82%	\$237
11-57%	\$331
Less than 11%	\$321
<b>Average City in CA</b>	<b>\$262</b>

\* Categories are based on quartiles, such that one-fourth of the cities fall into each category.

## Ongoing Fiscal Effect of Housing Units at Various Price-Points

Sensitivity Analysis, FY 2009–10



## Additional Benefits of Lower-Cost Housing Development

In addition to the fiscal benefits of lower-cost housing, there is evidence to suggest that areas with high housing costs are more likely to experience population loss because existing and prospective residents opt for more affordable locales. Business leaders also report that a lack of affordable housing has negative repercussions on their efforts to attract and retain a talented workforce.<sup>6</sup>

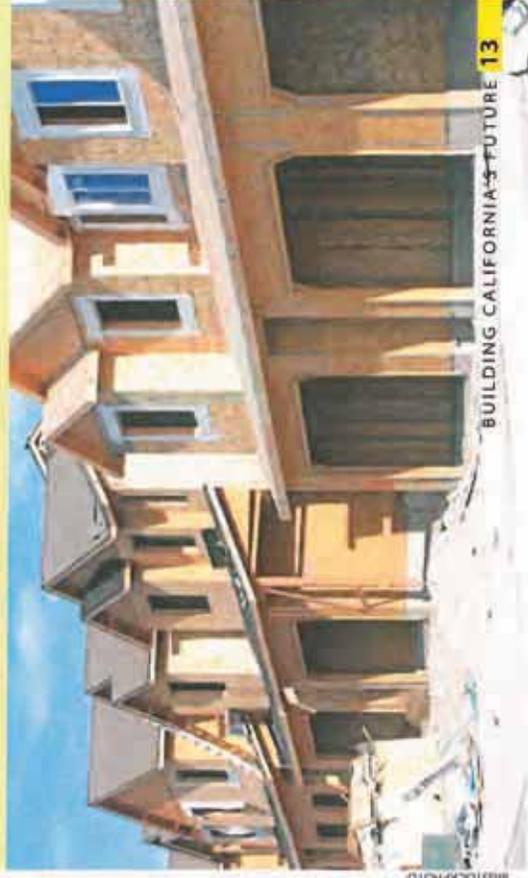
Areas that have a shortage of housing affordable to the local workforce may be faced with congested roads as workers are forced to commute in from long distances. Unintended effects can include a decreased ability to attract customers to local establishments, difficulty luring business investment, substantial increases in infrastructure spending to support ever more remote and sprawling development, and environmental degradation associated with increased auto use.<sup>7</sup>

## Home Prices Have an Impact on Fiscal Effects

This report focuses principally on the economic and fiscal benefits of constructing a median-priced home in California. But many communities recognize the importance of also building homes at lower price points to accommodate low- and moderate-income households. What is the impact of this activity on city and county budgets?

A sensitivity analysis shows that, even in fiscal year 2009–10, the estimated ongoing fiscal effect of a housing unit priced 25 percent below the median — while lower than for a median-priced unit — remains positive for California and the average city, with a slightly negative countywide estimate.

The chart also provides estimates for the ongoing fiscal effect of building a home priced 25 percent above the current median value. As would be expected, higher-cost housing has a greater fiscal effect and suggests that, if prices rebound from current levels, the impact of construction activity on city and county budgets should increase as well.



## TECHNICAL APPENDIX

The data in this report are drawn from *Analysis of the Fiscal and Economic Effects of New Housing Construction in California* — a report prepared for the California Department of Real Estate; the California Department of Housing and Community Development; and the California Housing Finance Agency by the Blue Sky Consulting Group and the Center for Housing Policy.

### Economic Effects of Housing Construction

Pages two through six discuss the economic effects of housing construction for the state of California and for six regions in the state chosen by the report sponsors. These estimates are derived from an input-output model called IMPLAN, which calculates the full range of economic impacts and job growth associated with the construction of a home based on the cost of materials and labor to construct it. In this report, estimates are produced for the next unit built at the median price.

Data are presented for fiscal year 2009–2010, which is based on a 12-month moving average ending in October 2009.

### Fiscal Effects of Housing Construction

Pages seven through 13 discuss the effects of the next unit built at the median price on state, city, and county budgets. Fiscal effects are estimated both on a one-time basis, which looks at government revenues and expenses associated with construction, and on an ongoing basis, which estimates the net fiscal impact of a new housing unit in the years following its construction. Sources of revenues and costs are different for states, cities, and counties but can be generalized as follows:

**One-time fiscal effects:** One-time revenues can include taxes paid on homebuilder profits, construction materials, and related sales associated with construction; property transfer taxes; and construction-related fees (e.g., permitting, zoning inspection) collected by community development offices. Expenses can include paying for community development staff to provide these services.

**Ongoing fiscal effects:** Ongoing revenues associated with the construction of new housing are principally derived from income, property, corporate, and sales taxes paid directly

by the occupants and by the economic activity they generate. Ongoing expenses are primarily associated with providing the level of services expected of state and local governments, including public safety, education, health, community development, and public assistance.

This report uses a “per-capita average cost method,” which means that the revenues and expenses for the occupants of a new household approximate the average levels for existing households. In order to more accurately estimate the revenues and expenses associated with a new housing unit, the income of the household expected to occupy the median-priced home in a given jurisdiction is calculated. Taxes paid and services used are partially derived from the household income and other assumed characteristics of the unit’s occupants.

Unlike the exploration of the economic effects of new construction in which estimates are calculated by categorizing cities into six regions, the fiscal impact methodology uses housing market indicators to develop analytical categories. We employed this methodology because the extent to which home prices and production levels have fallen in recent years is a better indicator of fiscal performance than is regional affiliation. As such, estimates are provided for categories that are defined by a city’s year-over-year change in median home price and permit volume. Data are presented for two time periods: fiscal year 2007–08 and fiscal year 2009–10. For the latter, estimates are based on budget data collected from a sample of large jurisdictions in California and provide a good indication of how local revenues and spending have been affected in the most recent budget cycle.

For a more thorough discussion of the methodologies used in this publication, please refer to the full report.

## ENDNOTES

<sup>1</sup>Data provided by MDA DataQuick Information Systems

<sup>2</sup>Data from the California Building Industry Association.

<sup>3</sup>State of California Employment Development Department 2010, March. *March 2010 California Employment Highlights*. Sacramento, CA: Author.

<sup>4</sup>Household growth estimates are based on data from the California Department of Finance, Demographic Research Unit. Residential permit data are from the California Building Industry Association.

<sup>5</sup>One factor at play in the negative average ongoing fiscal effects for the unincorporated portion of counties is the allocation of law enforcement (i.e., sheriff’s department) costs. Available data may overstate the per-household costs or understate associated revenues of law enforcement costs in these unincorporated areas, which would inadvertently lower the ongoing fiscal impact of new housing construction in these areas. It is also possible that per-household costs are lower in unincorporated areas that are more urbanized, but the data did not allow this possibility to be explored.

<sup>6</sup>See Bluestone, Barry, Mary Huff Stevenson, and Russel Williams 2009. “Are the High Filers Pricing Themselves Out of the Market? The Impact of Housing Costs on Domestic Migration Rates in US Metropolitan Areas.” Paper prepared for the Urban Affairs Association Annual Meeting, Chicago, IL, March 4–7; Center for Continuing Study of the California Economy 2009, July. “Are Businesses and High-Income Residents Fleeing California?” *Numbers in the News*, Palo Alto, CA: Author; and Urban Land Institute 2007, June 4. “Lack of Affordable Housing Near Jobs: A Problem for Employers and Employees.” Press Release.

<sup>7</sup>See Cambridge Systematics, Inc., with Texas Transportation Institute 2005, Sept. 1. *Traffic Congestion and Reliability: Trends and Advanced Strategies for Congestion Mitigation*. Cambridge, MA: Author.; Weisbrod, Glen, Donald Vary, and George Trezy 2001. *Economic Implications of Congestion*, NCHRP Report 463. Washington, DC: Transportation Research Board; Hartgen, David T., and M. Gregory Fields 2006, August. *Building Roads to Reduce Traffic Congestion in America’s Cities: How Much and at What Cost?* Los Angeles, CA: Reason Foundation; and Ewing, Reid, Keith Bartholomew, Steve Winkelman, Jerry Walters, and Don Chen 2008. *Growing Cooler: The Evidence on Urban Development and Climate Change*. Washington, DC: Urban Land Institute.



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COMMITTEE FOR  
GREEN FOOTHILLS

August 15, 2011

Andrew Crabtree, City of San Jose

**RE: Committee for Green Foothills comment letter on the Draft Program Environmental Impact Report for Envision San Jose 2040 General Plan**

Dear Andrew:

The Committee for Green Foothills submits the following comments on the Draft Program Environmental Impact Report for Envision San Jose 2040 General Plan (PEIR). We again thank the City for extending the deadline for comments.

**I. Feasible mitigations were omitted and must be included for Housing Imbalance, Transportation, Air Quality, Biological, and Land Use Impacts.**

Impact PH -1, Impact TRANS -1, and other impacts listed below are described as significant. The mitigation we describe below will reduce that impact, although not necessarily to a level of insignificance, by delaying when it will occur and preventing unnecessary additional impacts. **Feasible mitigations not discussed in the PDEIR reduce the multiple significant impacts associated with Jobs:Employed Resident ratios exceeding 1:1**

The City worsens many of its environmental impacts, including the above impacts, through the proposed Jobs:Employed Residents ratio (J:ER) greater than 1:1, which, given the lack of housing in the Bay Area have the effect of causing large numbers of people to reside away from the Bay Area and commute by car. The City also acknowledges that it the J:ER ratios exceed 1:1 not so much because the City actually intends those high ratios but because it wants to maximize job opportunities that will increase the current ratio significantly below 1:1. See Committee for Green Foothills attached letter of February 22, 2010 for context. Mitigations that allow the flexibility of planning for jobs in multiple areas while preventing or delaying J:ER ratios far in excess of 1:1 should therefore be feasible and desirable.

**1. Mitigation requiring that the J:ER jobs capacity of 1.3:1 can be planned but the actual J:ER ratio should not exceed 1:1.** The PEIR should include a mitigation for Impact PH-1, Impact TRANS -1, Impact AQ- 1, Impact LU -6, and for Impacts BIO -1, BIO -4, and LU -7, all three of which should be considered significant for reasons discussed later in this letter, a requirement that the actual jobs to employed residents ratio to remain no higher than a 1:1 ratio. Development of jobs capacity in the City should happen in stages for different areas, and once the 1:1 ratio is reached, additional areas for additional capacity should not be readied for new jobs until the residential development level is also matched and planned to occur at approximately the same time. The City should include this mitigation and recalculate impacts on its basis.

**2. Alternative mitigation to the strict limit of an actual J:ER ratio of 1:1, requiring the J:ER ratio remain no higher than 1:1 as long as housing is available.** The City recognizes that a higher ratio of J:ER than 1:1 means there will be more people living outside San Jose and commuting to and from the City, increasing greenhouse gas emissions and creating significantly more traffic congestion. To partially mitigate the detrimental imbalance from jobs growth without housing for Impacts (ADD FROM LIST ABOVE), the growth of jobs should be bound to the growth of housing, such that the J/ER ratio does not exceeds 1:1 until the City completes their housing development goals, and then the jobs continue to be developed, possibly up to the ratio limit of 1.3:1. If the 1:1 ratio is exceeded before all the housing is completed, job capacity expansion should cease until an adequate number of housing units are developed to bring the ratio back down to 1:1.

The 1:1 ratio for the near future of J:ER can prevent a sudden influx of workers before housing is available in the city, which will mitigate the environmental impact of more employees living in surrounding regions and commuting than necessary. We understand that there needs to be a certain level of housing and job developments created for the region within San Jose, yet the ratio of jobs created does not need to be over 1:1 in order to have a fiscally successful city, especially not until housing goals are reached. The backloading mitigation policy is therefore both feasible and effective in preventing further environmental damage than the proposed developments are already causing.

## II. Impacts from Prime Agricultural Land Loss

There are several flaws in the PEIR related to analysis of impacts on Prime Agricultural Land.

**Failure to quantify the analysis for amount of acreage of prime farmland lost.** CEQA is very clear that EIRs must be accurate, that they must not minimize project impacts, and that programmatic EIRs must not delay to project level review any impact analysis that can be conducted on the programmatic level. The PEIR here discusses the areas where prime farmland exists and would be developed, but fails to describe exactly how many acres would be lost. That figure is knowable; it is necessary to create an accurate EIR; the failure to include it minimizes the impact on agricultural land by omitting the large amount of lost farmland; and the figure can be derived now and need not wait for subsequent approvals. The City cannot adequately make a Finding of Overriding Circumstances if it fails to look adequately at the significant impacts that the General Plan would authorize.

**Failure to use existing conditions as the baseline.** Contrary to the statement at the beginning of PEIR Section 3 that existing conditions are used as the baseline for measuring impacts, the section on farmland references entitlements on existing farmland during the analysis of farmland impacts. It is unclear what this reference means because no quantification of farmland impacts is given, but appears to suggest that farmland with "entitled" development would not be considered part of the lost farmland. This fails to identify existing farmland condition as the baseline.

**Describing "most" of North Coyote as entitled is insufficiently accurate.** Much of North Coyote does not even have the pretense of entitlement, and any development in those areas would indisputably result from the PEIR.

**Entitlement in North Coyote Valley is questionable for failure to meet Development Agreement benchmarks.** Even if the PEIR could ignore the existing farmland condition on "entitled" land, the Development Agreement for the Coyote Valley Research Park has not been satisfied due to failure to meet benchmarks on job creation in Coyote Valley in the years since the DA had been signed. Furthermore, both the DA and subsequent permits are due to expire between now and the end of 2012. The PEIR should not plan for the next 30 years based on agreements that are either invalid or that have not been exercised and are nearly at the point of expiration.

Impact LU-6 listed on pages 176-179 has listed the loss of Prime Agricultural Land as significant and Section 3.1.4.1 on pages 193-194 has listed the loss of Prime Agricultural Land as significant and unavoidable. The feasible mitigation described below and not included in the PEIR will reduce that impact by offsetting the effects of development on agricultural lands and delaying when the impacts will occur.

There are approximately 957 acres of Prime Farmland in North Coyote Valley within the city limits and the Urban Service Area, with even more in the Coyote Valley Urban Reserve and in South Coyote Valley. Development of North Coyote Valley should be listed as a significant impact both for the impact on agricultural land and as a vital wildlife corridor. The City should not plan for any development in North Coyote Valley until the urban regions of the City have been built out. There is no reason to begin impacting this Prime Agriculture land when there is still viable space to develop and redevelop within the City. By backloading development in the city instead of undeveloped open space like Coyote Valley, this will mitigate

the effects of increased transit to Coyote Valley as well as delay environmental impacts of development in the area.

The City should mitigate any agricultural development in other areas by establishing conservation easements or other permanent protection measures for agricultural lands in a 1:1 ratio of acres developed to acres preserved. Specifically, agriculture should be protected in the Coyote Valley Urban Reserve, as well as South and North Coyote Valley once the Urban Reserve is completely protected. CEQA is clear that temporary impacts are significant, so mitigations that delay impacts and are otherwise feasible have the effect of reducing those impacts and must be implemented.

### III. Other comments on Agricultural Land and mitigation

**Preservation is mitigation.** 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 is preferable, but preserving farmlands in other areas of Santa Clara County should also be considered for purposes of determining feasible mitigation. Preservation of agricultural land in other parts of the state does not adequately mitigate for the loss of local farmland and contradicts other local policies for farmland mitigation.

The claim in the PEIR that the "protection of other existing farmland, such as through the use of agricultural easements or outright purchase, would not be considered mitigation under CEQA because the net result of such actions would still be a net loss of farmland acreage" (PEIR at 193) contradicts more recent CEQA caselaw cited above and other local farmland preservation policies such as by Santa Clara County LAFCO and City of Gilroy. See also *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477 and *Sierra Club v. County of Napa*, (2004) Cal.App.LEXIS 1467.

It is inappropriate to defer to project level mitigation (PEIR at 193-194) the decision of whether agricultural mitigation should be required. The PEIR projects the loss of farmland now, so deferring mitigation decisions to a later point contravenes CEQA.

**Rooftop gardens and natural landscaping should be required.** Once all agricultural land in Coyote Valley incorporated into the greenbelt is protected, the City should require rooftop gardens and extensive natural landscaping on developments on agricultural lands to help mitigate the loss of agricultural land. This will offset the effects of heat islands, maintain air quality in the area, and potentially provide habitat for raptors and other native, winged fauna.

### IV. Impact on Serpentine Lands

Impact BIO-2 listed on pages 470-471 has been listed as significant. The mitigation described below will ensure the impact is lessened as opposed to the previous mitigation that does not commit to any measures.

The City is relying on the completion and implementation of the Santa Clara County Habitat Conservation Plan to create preserves and enforce measures to decrease nitrogen impact on serpentine lands. Before the HCP is implemented, and in case the HCP is not implemented, the City currently says it will develop its own measures if it has the appropriate resources, then continues to say that they do not have the appropriate resources. There needs to be a tangible interim mitigation to damage done to serpentine lands

created and implemented by the City and based on the proposals in the HCP. If the HCP is implemented, then the City can cease their mitigation only if the HCP is serving to at least fully mitigate the impact.

Some suggested mitigation measures include creating serpentine preserves to prevent nearby development, charging a nitrogen deposition tax on new developments in the sensitive areas, charging a fee on sewer hook-ups near the sensitive areas, and charging a gas or Vehicle Miles Traveled fee. These measures would help protect an extremely unique and fragile ecosystem from irreversible damage, and to reach that goal the City should devote as many resources as necessary. These mitigations should be mandatory in the absence of an approved Habitat Plan.

## **V. Impact on Wetlands, Baylands, and Riparian Corridors, and on Wildlife Movement**

Impact BIO -1 and BIO -4 have been listed as less than significant, but should be listed as significant.

**Incorrect description of impacts on North Coyote Valley as less than significant.** Page 458 of the PEIR states:

Due to the relatively high levels of disturbance associated with already existing agricultural habitats that could be developed under the proposed General Plan, the relative abundance of suitable habitat for species such as raptors, other birds, and small mammals that use agricultural habitats both within the region and the state (e.g., when grassland availability in the vicinity in the Diablo Range and Santa Cruz Mountains is considered), impacts of development allowed by the General Plan to agricultural habitats within San José would be less than significant.

Documentation by the De Anza College Wildlife Corridor Stewardship Team that is briefly described by the PEIR but effectively ignored actually refutes this argument (see attached letter also available at [http://www.sanjoseca.gov/coyotevalley/docs/Ltr\\_DeAnza\\_Wildlife\\_Study\\_04.14.08.pdf](http://www.sanjoseca.gov/coyotevalley/docs/Ltr_DeAnza_Wildlife_Study_04.14.08.pdf)):

“The ‘heavily disturbed agricultural and developed areas on the Coyote Valley Floor’ is currently providing a wildlife corridor for species of Coyote Valley that come from both mountain ranges and ones which are already in the valley” -7

“Animals are not only moving but also foraging on the floor of Coyote Valley” -10

“Agricultural lands are of high value to wildlife that forage” -10

“One should not be surprised that such high animal use happens on the ‘heavily disturbed agricultural and developed areas on the Coyote Valley floor’. These agricultural lands provide a home for a variety of rodents, which are the main prey for several predators found on the Coyote Valley floor. We have not gone a day in Coyote Valley with out seeing several California ground squirrels.” -10

"If [The Coyote Valley Specific Plan, making the same claim of less-than-significant impacts] were to be implemented it would have a highly significant impact to this existing wildlife corridor and the regional movement of species, thus completely halting the natural movement that wildlife species have implemented themselves. This movement has enabled

them to be able to exist in the last remaining large open space in the area of Santa Clara County" -11

These analyses show, as they did with the Coyote Valley Specific Plan, that significant wildlife impacts occur with development in Coyote Valley. (See also attached De Anza Wildlife Corridor Project Annual Report available at [http://www.deanza.edu/es/wildlifecorrproj/CV%202008%20Annual%20Report%20Final%20V2%2014\\_10.pdf](http://www.deanza.edu/es/wildlifecorrproj/CV%202008%20Annual%20Report%20Final%20V2%2014_10.pdf) ("Coyote Valley is one of two connectivity points between the Diablo Range and the Santa Cruz Mountains, the other being through the Pajaro River Basin, and is the only linkage with a direct connection between the two. If Coyote Valley is developed, the linkage will be lost and species in the Santa Cruz Mountains with large home ranges such as the mountain lion and the North American badger will be genetically isolated and local extinction may occur."))

Below are suggestions on refining policies to ensure mitigation measures are met:

- Policy ER-3.2 should be written with stricter language. Instead of calling a 100-ft setback “a standard to be achieved” it should be a required standard, unless it can be proven there is no feasible alternative. In the case where there is no feasible alternative, the farthest distance possible should be proposed as the setback and the City must review and approve the proposal, which should include measures to mitigate the project’s impact on the riparian corridor. This minimizes impacts to the riparian corridors and waterways in a more tangible way than the recommendations from San Jose’s Riparian Corridor Policy Study.
- With Policy ER-4.4, instead of “avoiding new development”, changing the language to “prohibiting new development” will guarantee the mitigation is successful. In sensitive areas such as baylands and wetlands, all detrimental development should be prohibited, especially in specific regions where endangered species are known to breed or nest. Failure to adopt stricter policies on development in these areas will cause significant, irreversible damage to San Jose and the surrounding regions’ wildlife populations.

## VI. Other considerations.

**Require recycled-water tolerant landscaping.** To reduce impacts on water supply, the PEIR should include a mitigation that the Community Forest, City-managed landscaping, and other new landscaping be recycled-water tolerant.

**Institute a policy on no-net increase in impervious surfaces:** Either as a feasible mitigation for hydrological impacts or as an independent choice by the City to avoid environmental effects, it should institute the following as a mitigation or a new policy: "encourage an overall trend toward a net decrease in impervious surface areas through project renovations with a focus on parking lots, driveways, sidewalks, and patios, and investigate a project-specific, no-net-increase in imperviousness that would allow payment into compensation funds where projects require on-site increase in impervious surfaces."

**Impact LU -7 should be considered significant.** The Golf Course Overlay in particular creates the opportunity for tens to hundreds of acres of lost habitat that have not been analyzed in the PEIR. The Golf Course Overlay should be eliminated (existing courses will therefore be grandfathered). All other

disturbances should be limited to no more than 10% of the property's surface area. Only these changes can make this impact less than significant.

**Conclusion.**

Please contact us with any questions. Again, we appreciate the opportunity to comment and deadline extension, and we expect our comments will help improve the environment for San Jose for decades to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Schmidt". The signature is fluid and cursive.

Brian A. Schmidt  
Legislative Advocate, Santa Clara County

A handwritten signature in black ink, appearing to read "Kelsey A. Grousbeck". The signature is fluid and cursive.

Kelsey A. Grousbeck  
Advocate Intern, Committee for Green Foothills



February 22, 2010

Envision San Jose Task Force

**Re: recommended amendment to land use scenarios to rely upon "actual jobs" and not just jobs capacity for balancing employment and housing**

Dear Envision San Jose Task Force members;

Several issues have become clear regarding the "jobs capacity" concept that is central to the choice of land use scenarios:

**1. The jobs capacity number given in each scenario will not actually occur.** Staff has openly admitted this; they have discouraged those of us who are dismayed by environmentally destructive Jobs:Employed Residents ratios from taking them seriously; and they have said the numbers should be seen at most as indicating relative degrees of emphasis.

**2. The numbers are being used for planning purposes as if they will actually occur.** Last meeting's discussion of VMT used the numbers as if they would occur, and the General Plan EIR will do the same.

**3. If for some reasons the numbers are actually reached or nearly reached, the CEQA process for mitigating or stopping the environmental consequences will have long passed,** because the EIR will be finalized many years before the actual development.

As has been discussed in many previous communications, any ratio of actual jobs to employed residents that exceeds a 1:1 ratio will require massive amounts of commuting from outside Santa Clara County, primarily residents of Central Valley coming to our area by car. City staff is concerned that any jobs capacity to employed residents ratio of 1:1 or less will result in an actual jobs level that is far lower, and hurt the City's finances.

The Committee for Green Foothills proposes the following compromise that could be included as an amendment to any current land use scenario:

**The land use scenario should include a performance criteria requiring that the actual jobs to employed residents ratio to remain no higher than a 1:1 ratio.** Development of jobs capacity in the City should happen in stages for different areas, and once the 1:1 ratio is reached, additional areas for additional capacity should not be readied for new jobs until the residential development level is also matched and planned to occur at approximately the same time.

An alternative recommendation is to "backload" the excess actual jobs, so that once the City has reached the 1:1 actual jobs:employed residents ratio, the jobs development cannot occur faster than residential development until all the planned residential development has occurred. This alternative is inferior to our main proposal because it will still allow severe environmental consequences from inadequate housing relative to jobs, but it is superior to the proposals currently in front of the Task Force.

The Committee for Green Foothills notes that adopting this recommendation as a mandatory performance criterion can greatly improve the planning process and reduce the environmental impacts in the resulting EIR. It places an upper limit on actual jobs that is much closer to what will actually occur, which means such issues as VMT calculations can reflect something approaching reality. It also eliminates the worst environmental impacts from

commuting that staff would otherwise have to acknowledge in the EIR,<sup>1</sup> so the EIR that the City would publish with this criterion included will show fewer negative and more positive environmental effects.

As we have mentioned before, any increase over the current baseline jobs-to-employed residents ratio would be environmentally harmful, but we also recognize that some change is likely. Including larger levels of residential development in the City is important in our housing-poor region, especially transit-oriented and senior-oriented development. Above and beyond all that is the need to keep a balance of actual jobs to employed residents that is not available in most of the current land use scenarios.

Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Schmidt". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian A. Schmidt  
Legislative Advocate, Santa Clara County

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<sup>1</sup> We believe a feasible mitigation for those impacts would be a similar performance criterion in the EIR, so the City has to consider this idea in any case.

## De Anza College Wildlife Corridor Stewardship Team comments to the CVSP Task Force Members

by Julie Phillips (Morgan Family Chair in Environmental Studies, Tule Elk Biologist), Pat Cornely (Executive Director, Kirsch Center for Environmental Studies), Tanya Diamond, Lead Field Studies Instructor, Badger Biologist, Diana Martinez (Instructor), Ryan Phillips (Raptor Biologist/Conservation Biologist), Henry Coletto Field Consultant, Former Game Warden Santa Clara County, Field Studies Interns: Zari Aziz, Matthew Daily, Veronica Davis, Melissa Dekoven, Rosita Fakhrevaezi, Derek Lance Freihofner, Charles Gleaves, Jessica Gonzalez, Josh Goodwin, Lakhena Howey, Rick Malupo, Jana Marquardt, Stephen Navarra, Lori Parsons, Alan Smith, Pete Woolhouse

To establish the presence of wildlife species and wildlife corridors, a corridor analyses based on data collection must be performed (Beier 1992, 1993, Clevenger 2001, 2005, Federal Highway Administration 200a, Gloyne 2001, Noss 1987, Penrod, 2001). The CVSP DEIR and a subsequent Gavilan College DEIR made many false assumptions about wildlife presence and connectivity because there was no data collection or analyses performed.

De Anza College's Environmental Stewardship Program began a ten year project in 2005 researching movement corridors along the 37<sup>th</sup> parallel for connectivity between the outer (Santa Cruz Mountains) and inner coastal range (Diablo Range) in California. Since January 2007, an ongoing data collection effort has been conducted by the Stewardship team at De Anza College.

According to several wildlife corridor experts and the Santa Clara Habitat Conservation Plan, Coyote Valley serves as a critical wildlife corridor and habitat for many species (Thorne *et al* 2002, 2006, draft 2008). The proposed Gavilan campus development would result in severely impacting wildlife movement through this critical corridor.

### Methods:

Our methods to determine wildlife presence and movement patterns consisted of formal tracking (scats, tracks, and visible observation), digital field cameras located at culverts and wildlife crossing locations, and observational data from different agencies (Halfpenny, 1996). Field data was collected weekly along a transect encompassing the northern and southern sections of Coyote Valley.

For each data point, the field interns GPSed the location, classified the habitat type, activity, sample age, proximity to human activity, and other information. Each data point was measured, photographed, and recorded onto data sheets. All data points were downloaded weekly and then mapped into an orthophoto (1m resolution 2005 USGS) and habitat layers consisting of vegetation, riparian corridors, wetlands, soil type, slope, roads, and urban layers using a GIS program (ArcMap ERSI 9.1).

### Results:

Over the last 15 months we have collected over a 2,400 data points. These data points were then utilized to develop a connectivity map for the Coyote Valley Wildlife corridor. This connectivity map demonstrates that many wildlife species are utilizing the Highway 101 culverts to move from east to west and west to east. These culverts allow wildlife to travel from the east hills, such as Coyote Ridge, and including the Mount. Hamilton region of the Diablo Range, under Highway 101 to access the Coyote Creek County Park and then disperse into Coyote Valley and surrounding hills, including the Santa Cruz Mountains. The data also demonstrates that Coyote Creek County Park appears to be the core area of this corridor.

Many different species utilize Highway 101 culverts to travel under the highway. The picture, figure 1, below is the same culvert with multi-species use within a 1 month surveillance period. One of the 101 culverts was also utilized by a mountain lion. These data points of wildlife use of Highway 101 culverts were then mapped in GIS to develop a preliminary connectivity map for the Highway 101 corridor. This preliminary connectivity map demonstrates that many wildlife species are utilizing the Highway 101 culverts to move from east to west and west to east.

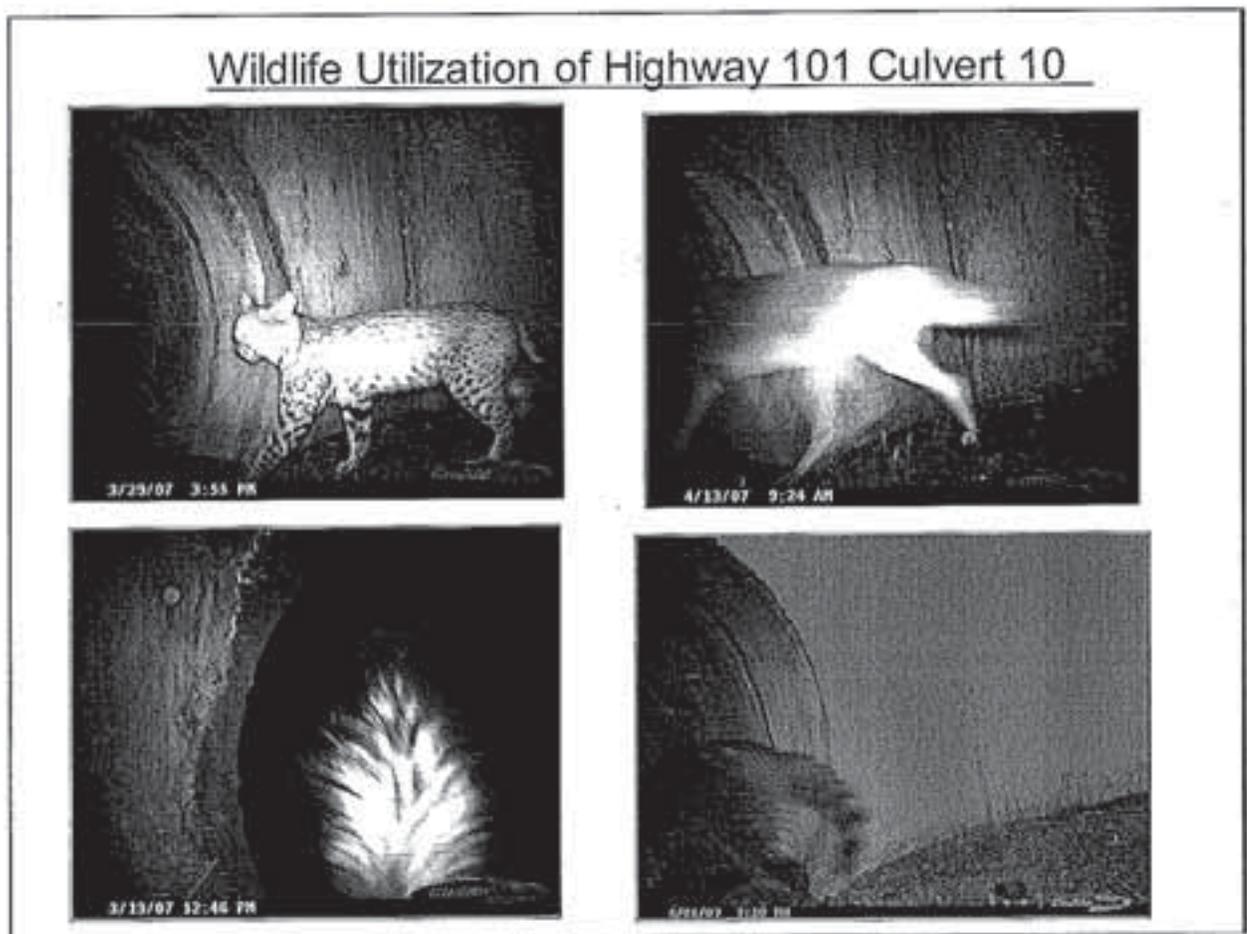


Figure 1: Multiple species' use of Highway 101 culvert

For the past 4 months, we have concentrated our data collection throughout the valley floor itself. We have found a highly significant amount of wildlife movement and utilization of valley habitat within Coyote Valley. Multiple species such as bobcat, coyotes, and deer have been tracked from Coyote Creek habitat along Bailey Road to the Fisher Creek culvert and IBM. Wildlife has been recorded crossing Bailey Road and Santa Teresa Road into adjacent agricultural fields into the proposed development area. Multiple species have also been identified traveling along both Laguna Road and Richmond Road east, west, north, and south directions, including in and out of agricultural fields. For example, along Laguna Road, multiple species tracks were observed, heading east and west out of the agricultural fields, please see figure 1 below. Laguna Road is adjacent to the proposed development.

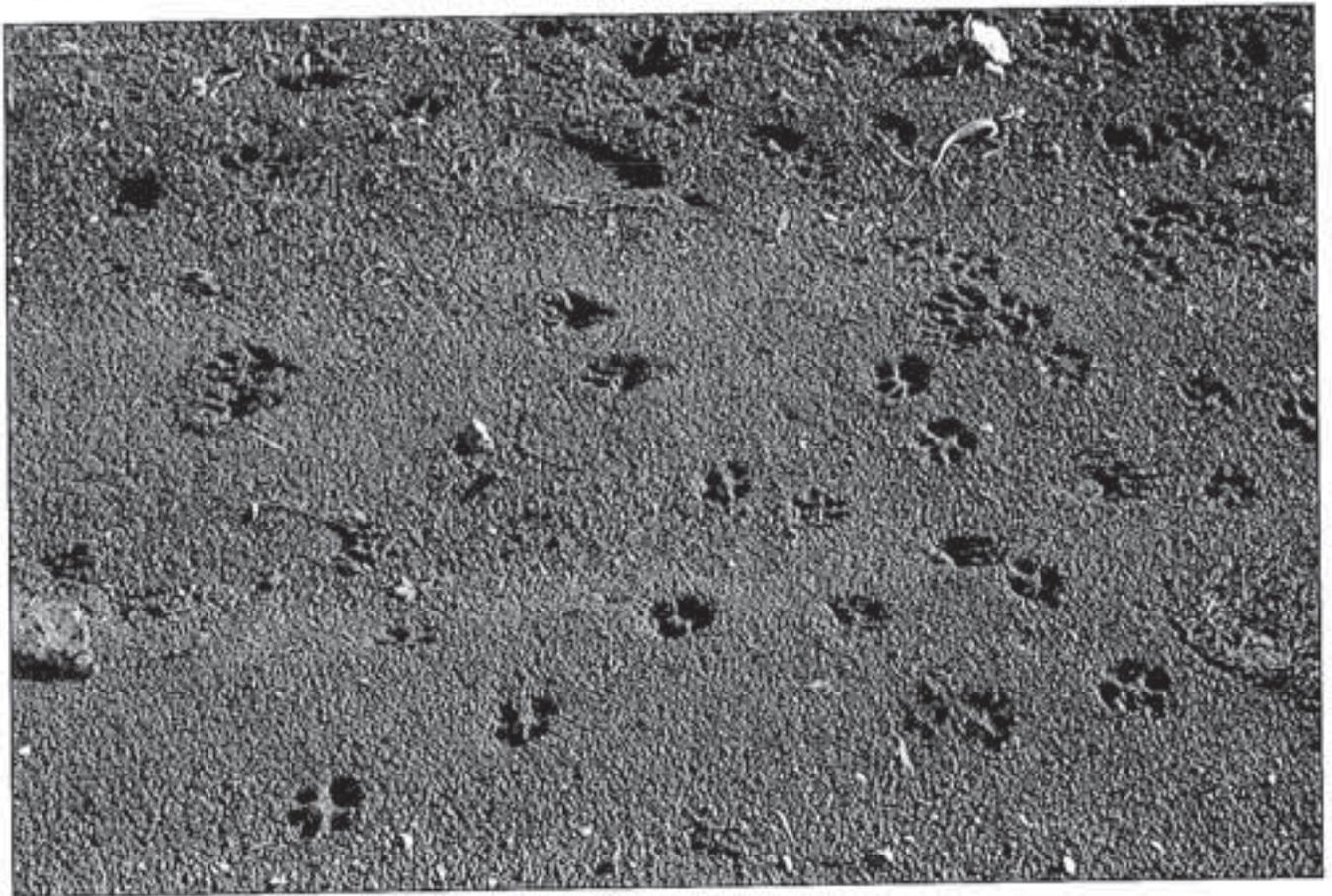


Figure 1: Laguna Transect, Multiple species use

Along the east portion of the Laguna Road transect we used different colored flags representing different wildlife species, to mark tracks found along the road side. The red flags are bobcat tracks, the orange are coyote tracks, and the blue are raccoon. Many of these tracks are heading in and out of the agricultural fields, heading east, west, north and south. Below, is a picture, figure 2, of the data collected from the transect work.



Figure 2: Laguna Transect 2-22-08

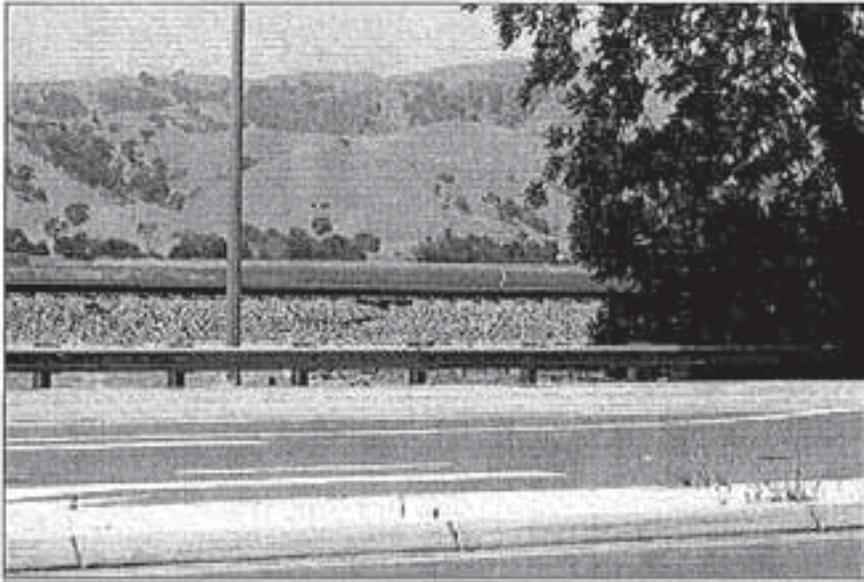
Three culverts located in the North section of Coyote Valley all have unrestricted access for wildlife to travel from the east hills to Coyote Creek habitat. In terms of a truly free barrier corridor, five surveyed culverts allow for wildlife to cross under Highway 101 into Coyote Creek habitat, in which wildlife can then travel through an orchard and hay field to Monterey Highway, in which the divider has not begun into Coyote Valley, then up into the hills. See pictures below of the orchard and hay field adjacent to Monterey Highway where there is no divider.



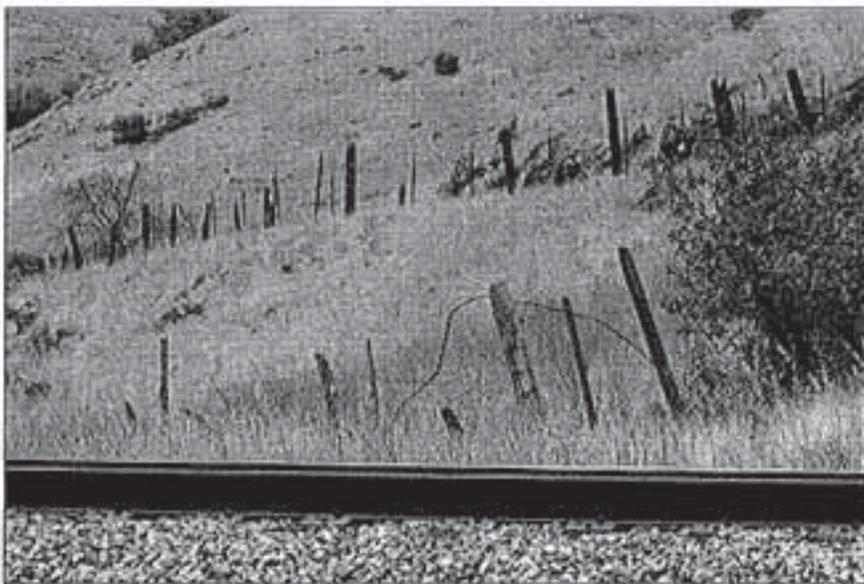
Hay field with access into Coyote Creek County Park



Orchard with access into Coyote Creek County Park



Monterey Highway north of Bailey Ave. without divider and access into Coyote Valley



Tulare Hill was also found be a high use area by species such as coyote, fox, badger, and many prey species which would attract predators to come up to hunt.

## Impact to Wildlife Corridors

In the northern section of Coyote Valley, the Santa Teresa Hills, along with Tulare Hill, extends eastward towards Coyote Creek and the Diablo Mountain Range. This area is geographically the closest point between the Santa Cruz Mountain Range and the Diablo Range in the northern section of Coyote Valley. Even though this area is geographically the closest between the two mountain ranges, in the northern section of Coyote Valley, it does not mean that this is the only spot for wildlife dispersal or a corridor. "Corridors can be defined as any space identifiable by species using it that facilitates the movement of animals or plants over time between two or more patches of otherwise disjunct habitat" (Lidicker 1999, Corridor Ecology Hilty, Lidicker, Merenlender, 2006. Pg.90). **The "heavily disturbed agricultural and developed areas on the Coyote Valley Floor" is currently providing a wildlife corridor for species of Coyote Valley for species that come from both mountain ranges and ones which are already in the valley.**

As members of the De Anza Wildlife Corridor Stewardship Team, our tracking team has been focusing on Bailey Avenue to Highway 101 and South over the past several months. We have been making our way up Bailey Avenue from the Santa Teresa intersection and moving westward. Each day that we have been out on Bailey we have seen heavy amounts of animal signs (track or scat) on both the northern and southern sides of the road. The most common signs we have seen up to date have been coyote (*Canis latrans*), raccoon (*Procyon lotor*), bobcat (*Lynx rufus*), wild boar (*Sus scrofa*) and white-tailed deer (*Odocoileus hemionus*). The earlier draft environmental impact reports state that "although wildlife species may disperse across, or occasionally forage at the shoulder of Bailey Avenue, wildlife use in this area is expected to be limited due to lack of cover and traffic disturbance". On two occasions we viewed and recorded a coyote (*C. latrans*) utilizing the habitat quite close to and where the Gavilan College Coyote Campus project vision site is. The first coyote (*C. latrans*) was seen at night, it was attempting to cross Bailey from the IBM property, however the car deferred it from crossing the road at the time. The second coyote (*C. latrans*) we saw observed on 3/8/08, and was running north through Gavilan's project site. This animal ran across Bailey Road, about 50 feet in front of an oncoming car and crossed down into a small ditch in front of IBM property, see figure 1.



Figure 1: Live Coyote Sighting, running west through Sobrato Agricultural fields 3/8/08

#### Impacts to Wildlife Corridors

At the northern end of the Coyote Valley, the Santa Teresa Hills and Tulare Hill extend eastward to Coyote Creek, so that only the narrow Coyote Creek/Highway 101 corridor separates the foothills of the Santa Cruz Mountains to the west and the foothills of the Diablo Range (in the form of Coyote Ridge) to the east. As a result, this area is likely important for dispersal between the two ranges by wildlife that are less likely to cross the broader, more heavily disturbed agricultural and developed areas on the Coyote Valley floor. Such wildlife species include American badgers, bobcats,

mountain lions, and coyotes. The project site is located adjacent to hills to the west and north that serve as important habitat for these species. However, being on the valley floor and being surrounded to the east and south by extensive agricultural lands, the project site is not located in an area that is expected to be used heavily by animals dispersing between the Santa Cruz and Diablo mountain ranges. The project site provides no distinctive or particularly valuable habitats that would be used (e.g., for foraging or cover) by such dispersing individuals.

**These assumptions, which were not made on any data collection results, are completely false.** The assumptions are also detrimental in making false claims about wildlife connectivity. Along the Bailey transect many tracks and scats were recorded adjacent and viewed within the proposed development site. We recorded numerous tracks of coyotes (*C. latrans*), bobcats (*L. rufus*) heading north out of the agricultural fields onto Bailey road Bailey Avenue and also heading south into the agricultural fields. Please see figure 2, below, as an example of data collection along the Bailey transect. Each flag represents a track within the agricultural fields of the proposed development site, which was viewed and recorded along the roadside. Flags were used to indicate tracks observed directly across the fence within the agricultural field. For each track, a picture was recorded and verified. Orange flags represent bobcat tracks, yellow flags represent coyote tracks, red flags represent fox tracks, and blue flags represent raccoon tracks.

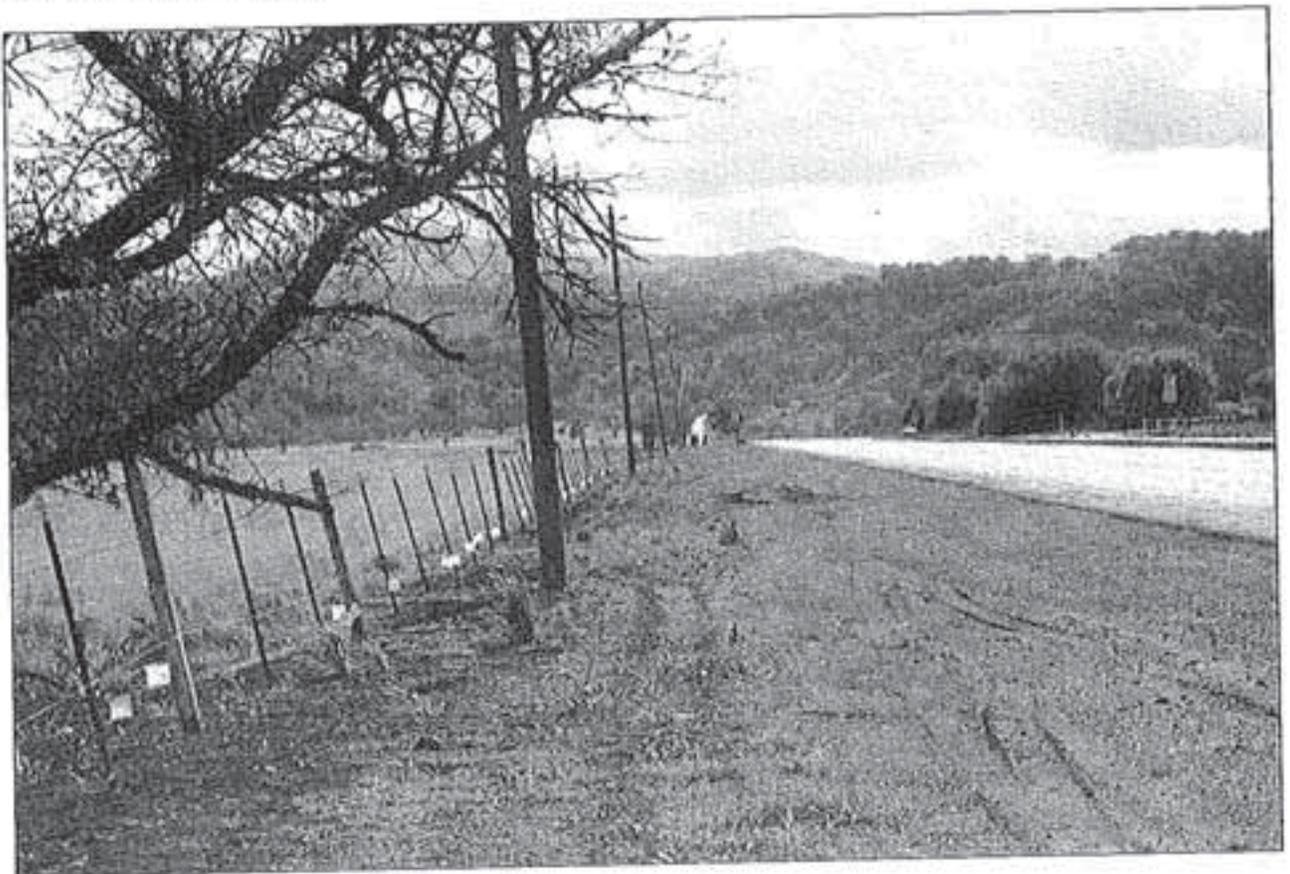


Figure 2: Multiple Species Use of Sobrato Agricultural Fields and surrounding areas in Coyote Valley

On another field research day we were focused around the Fisher Creek culvert. We were able to identify at least five different wildlife species utilizing the culvert and the surrounding area. We were able to record the tracks of a coyote (*C. lantrans*), which were heading north from the edge of Bailey Avenue along Fisher Creek, (about 20 feet to the east of the creek). The Coyote was heading towards the riparian area of the creek. The riparian vegetation of Fisher Creek gives cover for species. Many studies have previously shown that wildlife will follow riparian corridors to travel by (Hilty et al 2006). Fisher Creek runs adjacent to the proposed development site and would be highly significantly impacted by the development plans. We also noted tracks of a coyote (*C. lantrans*) coming out of the riparian vegetation on the same day. **We have clearly found and documented that wildlife species are moving on the floor of Coyote Valley.**

**One should not be surprised that such high animal use happens on the "heavily disturbed agricultural and developed areas on the Coyote Valley floor".** These agricultural lands provide a home for a variety of rodents, which are the main prey for several predators found on the Coyote Valley floor. We have not gone a day in Coyote Valley with out seeing several California ground squirrels (*Spermophilus beecheyi*). We have also seen numerous rabbits, a type of cottontail. California ground squirrels (*S. beecheyi*) and rabbits are only a couple types of the prey sources along Bailey Avenue. Animals are not only moving but are also foraging on the floor of Coyote Valley. However, the DEIR states, "The project site provides no distinctive particularly valuable habitats that would be used (e.g., for foraging or cover) by such dispersing individuals". Not only have we found evidence of predators foraging (e.g. multiple kill sites), "predator(s) forage(s) outside of its usual habitat to take advantage of a prey resource..." (Corridor Ecology Hilty, Lidicker, Merenlender, Pg. 140). We have found extensive wildlife signs of movement and foraging along Bailey Avenue. From our findings we know that agricultural lands are of high value to wildlife that forage.

"Corridors may encompass altered or natural areas of vegetation and provide connectivity that allows biota to spread or move among habitat fragments through areas otherwise devoid of preferred habitat" (Andreassen, Ims, and, Steinset 1996, Perault and Lomolino 2000, Corridor Ecology Hilty, Lidicker, Merenlender 2006 Pg. 90). The Gavilan DEIR fails to mention in section 3.8 Biological Resources, in Impacts to Wildlife Corridors, the Fisher Creek culvert. Culverts facilitate movement of wildlife species. In late 2007 our team found an existing culvert along side Bailey Avenue, which Fisher Creek runs under. This passage offers and allows several species of wildlife to successfully move within the valley. Many of the species have been found using this riparian corridor through finding tracks and scat in the culvert have been Bobcats (*L. rufus*), Coyotes (*C. lantrans*), Raccoons (*P. lotor*), and as well multiple other small mammal species. This culvert provides cover and protection for species from traffic disturbance and allows them to move through the valley floor near the project site. This culvert in itself is a wildlife corridor on the Valley's floor, see figure 3.



Figure 3, Fisher Creek Culvert located at Bailey road

**The valley floor of Coyote Valley is a wildlife corridor.** As previously noted “Corridors may encompass altered or natural areas of vegetation and provide connectivity that allows biota to spread or move among habitat fragments through area otherwise devoid of preferred habitat” (Andreassen, Ims, and, Steinset 1996, Perault and Lomolino 2000, *Corridor Ecology* Hilty, Lidicker, Merenlender 2006). The floor of Coyote Valley may encompass altered vegetation but it still serves as an important area for animal survival and dispersal between the Diablo Mountain Range and the Santa Cruz Mountain Range. Coyote Valley currently is full of wildlife of all types. Along Bailey Avenue has a variety of wildlife species that utilize the resources in the area. **If this project were to be implemented it would have a highly significant impact to this existing wildlife corridor and the regional movement of species, thus completely halting the natural movement that wildlife species have implemented themselves. This movement has enabled them to be able to exist in the last remaining large open space in the area of Santa Clara County.**

**Comments and Questions for CVSP Task Force Members dated 4-14-08:**

The CVSP Task Force has not responded to our earlier comments and questions (or any of the over 1,000 pages of comments and questions to the CVSP DEIR), as far as we can tell. **First, we ask that you not send forward your CVP vision to the City Council as it has not undergone the essential environmental and fiscal review necessary to maintain the public trust. To do so will be a complete betrayal to every person, organization, resource agency, and other institutions who commented and participated in the CVSP process, including the CVSP DEIR. If you decide to send forward your Plan**

(versus a CEQA required Project), we formally request that you attach this report to your "Coyote Valley Plan: A Vision for Sustainable Development" when submitted to the City Council on April 22, 2008:

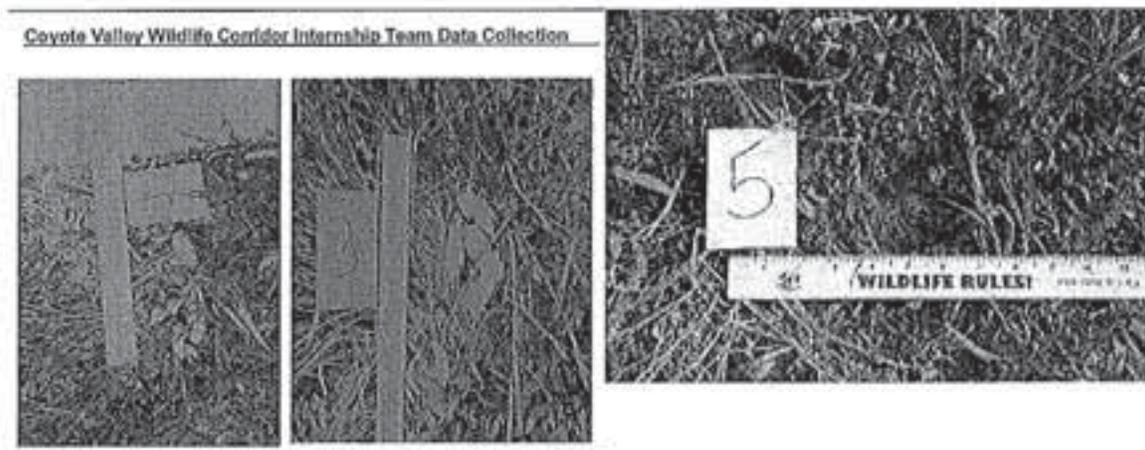
- 1) How can the DEIR claim that the development would pose a "Less Than Significant Impact" to the habitat, which is functioning as a critical corridor?
- 2) How can the DEIR claim that the development would pose as Less Than Significant Impact when this corridor has been cited as a critical corridor by the California Wilderness Coalition and by the Santa Clara Habitat Conservation Plan?
- 3) How is the loss of this critical corridor going to be mitigated for when it is the first open space for wildlife to cross between the Diablo Range and Santa Cruz mountains in Santa Clara?
- 4) How can it legally be claimed as a Less Than Significant Impact when we were able to collect data within just four months showing that there is a highly significant amount wildlife movement and utilization of the proposed development site?
- 5) How is the high increase in the volume of traffic that will increase wildlife mortality going to be mitigated within the final EIR?
- 6) How can you conclude that the CVSP is a "A Vision for Sustainable Development" and ask the City Council for the City of San Jose to do the same -- based on an inaccurate and incomplete scientific assessment and fiscal analysis of the project?
- 7) **Under what criteria are you deciding that this development "plan" can support the title "sustainable"? The plan, as far as we can ascertain, was never titled "sustainable" until this latest version (i.e. Coyote Valley Specific Plan). We would consider this use of the word sustainable as "greenwashing".**
- 8) How can you ask the City of San Jose to accept a "Vision or Plan" that had more negative comments on the planning work than possibly any other plan in the history of Santa Clara County?
- 9) Why would you send forward a Plan or Vision that has not had any public response or involvement in addressing the hundreds of issues raised by organizations, members of the public, public agencies, community leaders and public officials?
- 10) Is the submittal of a CVSP Task Force "plan" versus "project" a strategy to circumvent the environmental and fiscal review required?

#### Reference

Hilty, Jodi A., William Z. Lidicker Jr., Adina M. Merenlender. *Corridor Ecology The Science and Practice of Linking Landscapes for Biodiversity Conservation*. Washington DC: Island Press, 2006.

## Conclusion:

Coyote Valley Ecological Area consists of highly suitable habitat for many wildlife species. From our data collection, we have found consistent high use of the habitat by wildlife. We have also found that along the bike trail, when it is exposed to Highway 101's noise and light from the automobile traffic, species tend to avoid those areas of the bike trails. At some locations we have found that game trails become multi-species use in avoidance of the highway. The pictures below are of a bobcat scat, coyote scat, and deer track at the same location. This indicates that increased traffic and light from the proposed development will negatively impact wildlife use of the some sections of the corridor.



We have also been receiving quarterly reports of road kill data from Santa Clara County Animal Control. A road kill data base can help identify where wildlife is trying to move unsuccessfully. These areas can then be modified in terms of using fencing to guide animals to existing culverts. Or to identify areas of high animal use to implement a land bridge, overpass, or modify a high use road into a tunnel. There is already a high mortality rate for wildlife moving throughout the proposed development area, an increase in traffic volume would result in a higher rate of wildlife mortality.

Poor planning will lead to costly problems and damage which could be avoided if the plan is modified in a manner that is based on the best available science, data collection, and expertise, which is all readily available to your staff if you make the effort to work with us.

Will this wildlife corridor, which has been identified as a critical connectivity region by corridor experts, be cut off by the development plans or will there be discussions with DEIR staff for plans on how keep the wildlife corridor intact (Thorne et al 2002) ?

According to several wildlife corridor/connectivity experts and the Santa Clara Habitat Conservation Plan, Coyote Valley is a critical wildlife corridor and habitat for many species (Thorne *et al* 2002, 2006, draft 2008). At the Sierra Azul Wildlife Connectivity Decision Makers Workshop, hosted by the Elkhorn Slough Coastal Training Program, on January 29, 2007, a presentation on a Wildlife Corridor Analyses for North American Badger (*Taxidea taxus*) within the Coyote Valley region by Tanya Diamond, graduate student at San Jose State University. In attendance were WRA environmental consultants who participated in writing the DEIR. This presentation included several corridor analyses showing that Coyote Valley consists of both critical core habitat and a corridor for badgers, which are a Species of Special Concern (Dept. of Fish & Game, 1986). Please see attachment of corridor analyses.

**This data collection effort was spurred by the concern the wildlife species such as Tule elk, badgers, mountain lions, bobcat, deer, foxes, coyotes, and many other species would lose a critical habitat that serves as important connectivity. It has been demonstrated that corridors can facilitate the movement of species through habitat patches by providing connectivity (Hilty *et al* 2006, Soule and Gilpin 1991).**

Connectivity between habitat patches is critical to maintain genetic viability and maintain viable populations of wildlife (Noss, 1987, Buza *et al* 2000). Wildlife corridors facilitate the movement for wildlife species to find mates, resources, and for juveniles to disperse out of their parental home range (Beier 1983). This is a very important concern for badgers as they exist in small populations and low densities because of their large home ranges. Further efforts will be made to see if badgers should be federally listed. Genetic isolation of badgers due to fragmentation from the proposed development could result in badgers becoming a listed species which results in very costly future management efforts for developers, the City of San Jose, and resource agencies. Please see Tanya Diamond's comments on the DEIR for further information about North American badger populations and connectivity issues within the region.

**Questions assembled by Stewardship Research team to the City of San Jose planning staff and leadership and the Coyote Valley Specific Plan Task Force:**

Why was this analyses or any mention of wildlife corridor for badgers left out of the DEIR? Especially when great efforts on many people's part and time were made to get this information to the DEIR staff while they were writing the DEIR?

Why weren't these methods which are used to establish wildlife presence and corridors not conducted by the DEIR staff?

Why was it stated that badgers would be less likely to cross heavily disturbed agricultural field when that is on of the most common types of habitat for badgers to forage in and travel through (Dept. of Fish & Game, Species of Special Concern report, draft in progress)?

Knowing that a scientific evaluation consisting of data collection should have been conducted by the methods we have been utilizing, why did the DEIR staff not conduct their own analysis and data collection effort? Because of the fact that Coyote Valley has been identified as a critical wildlife corridor and the fact that it is one of the first places for wildlife to cross from the Hamilton Region of the Diablo Range to the Santa Cruz Mountains, this should have been a high priority for in-depth research.

As wildlife biologists, who specialize in corridor design, we ask why didn't the DEIR consultants conduct this type of data collection of wildlife use throughout the valley floor?

**Coyote Valley Wildlife Corridor  
Monitoring Program  
2008 Annual Report  
De Anza College Wildlife Corridor Stewardship Team**





## **Coyote Valley Wildlife Corridor Monitoring Program 2008 Annual Report**

*Ryan Phillips, Tanya Diamond, Julie Phillips, Pat Cornely, Vicki Jennings, and Lisa Morton*

### **Contributors**

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## **Abstract**

To explore connectivity along the 37<sup>th</sup> parallel (specifically the wildlife corridor between the Santa Cruz Mountains and the Diablo Range) in California, De Anza College's Environmental Studies Department (Environmental Stewardship Program) launched a long term wildlife corridor study in 2005. In January of 2007, the Coyote Valley Wildlife Corridor Program began to conduct biological surveys to assess diversity of mammals, birds and plants in Coyote Valley. The main goal of Phase 1 was to collect data in the region connecting the Diablo Range to the Santa Cruz Mountains and identify movement and presence of wildlife species within the habitat linkage.

The data presented in this report was collected from February 2007-December 2008, on both mammals and birds and includes three months of plant surveys. One of the goals of this report is to help inform regional land use planning and provide connectivity maps for resource agencies, non-profits and other policy makers. Another goal is to further exemplify that the Coyote Valley landscape is a vital link between the Santa Cruz Mountains and the Diablo Range.

Specific objectives of this long-term program include:

- Establish east to west, west to east, north to south and south to north movement of vertebrate species between the Diablo Range and Santa Cruz Mountains
- Develop species lists and assess community composition and habitat structure
- Establish baseline data on status, distribution and seasonality of all species recorded

- Determine the relative abundance of focal species, including sensitive species within the study site
- Determine permeability of Highway 101
- Develop habitat suitability and connectivity models through GIS
- Utilize Rapid Assessment Methodology (RAM) for field teams to use as a baseline for rapid identification of critical wildlife corridors in the Central Coast Region
- Reconnect thousands of students and the public to the Coyote Valley landscape and educate them about the various environmental science disciplines
- Continue to build partnerships to help protect critical wildlife corridors throughout California

## **Summary**

Plant and animal surveys were conducted through line-transects, point counts, camera trapping, quadrant plots, and Rapid Vegetation Assessment methods. For the avian surveys six 500 m line transects were monitored to survey for all species of birds in multiple habitats; seventeen variable radius point counts were monitored to survey all raptor species with a maximum radius of 500 m; Breeding Bird Atlas (BBA) (Bousman 2007) protocols were used to assess the breeding status of all species; and quadrant methods were used to survey for raptor nests. Mammals were surveyed through camera-trapping, live sightings, and line transects identifying tracks, scat or other signs.

Between December 2007 through December 2008, 166 bird species were observed in Coyote Valley, which represents approximately 57% of the species that are known to occur in Santa Clara County (Bousman 2005). Seventy-one species were confirmed or suspected of breeding within Coyote Valley based

on the BBA guidelines (Table 1, 3). Of the 166 species observed 13 are special status species in California: the American White Pelican (*Pelecanus erythrorhynchos*), Northern Harrier (*Circus cyaneus*), White-tailed Kite (*Elanus leucurus*), Swainson's Hawk (*Buteo swainsoni*), Golden Eagle



Figure 1. Juvenile Peregrine Falcon at the Ogier Ponds. Photo taken by Ryan Phillips

(*Aquila chrysaetos*), Bald Eagle (*Haliaeetus leucocephalus*), Peregrine Falcon (*Falco peregrinus*) (Fig. 1), Vaux's Swift (*Chaetura vauxi*), Short-eared Owl (*Asio flammeus*), Burrowing Owl (*Athene cunicularia*), Loggerhead Shrike (*Lanius ludovicianus*), Yellow-breasted Chat (*Icteria virens*) and Tricolored Blackbird (*Agelaius tricolor*) (Shuford and Gardali 2008). On the rarity scale of 1-6 (6 being the rarest) in Santa Clara County, twelve 4's, four 5's and one 6 were observed in Coyote Valley with the 6 being the second county record of Crested Caracara (*Caracara cheriway*) (Bousman and Smith 2009) (Table 2).

Twenty-four mammal species have been identified in Coyote Valley (Table 4). A total of 1,787 mammal detections (including both tracking transects and field camera traps) were recorded throughout the study site from February 2007- December 2008. Eight hundred and eighty eight animal detections were recorded along the tracking transects throughout the study period, and 910 animal detections at the camera stations. Two sensitive species

recorded repeatedly at different locations within the study site were the North American badger (*Taxidea taxus*) and the dusky-footed woodrat (*Neotoma fuscipes*).

One hundred twenty-four species of the Coyote Valley flora were identified within the study area during 2008 including *Cirsium fontanale* var. *campylon* (Mt. Hamilton Thistle), a candidate species for listing on the federal endangered species list (Figure 10).

## Introduction

As part of a regional landscape connectivity analysis along the 37<sup>th</sup> parallel, the De Anza College Environmental Studies Department (Stewardship Program) has been collecting data within the Coyote Valley landscape encompassing the Diablo Range and the Santa Cruz Mountains. The Santa Cruz Mountains are becoming increasingly isolated from the rest of California due to development to the south and east, the Pacific Ocean to the west and San Francisco Bay to the north. Coyote Valley is a key connectivity point in the landscape and one of the last east–west wildlife connections in California’s Central Coast (Thorne et al. 2002) (Figure 2). The Santa Clara Habitat Conservation Plan has also identified three



Figure 2. Santa Cruz Mountain linkages.

wildlife linkages in Santa Clara County, two of which are within the Coyote Valley landscape (Santa Clara HCP Administrative Draft 2008). Previous to this study there was limited research conducted on Coyote Valley’s wildlife and species movement through the valley floor and connected landscape.

In February 2007, the initial mammal surveys investigated Highway 101 corridor to assess east and west wildlife movement between the Diablo Range and Santa Cruz

Mountains through Coyote Valley, using the Rapid Assessment Methodology (RAM) developed by the Environmental Studies faculty. Remote sensor cameras were placed along Highway 101 culverts. After it was established that there was multi-species movement through culverts under Highway 101, a more rigorous monitoring protocol was established through the use of line transects throughout Coyote Valley to locate areas and habitat through which mammals were traveling. In addition, line transects were conducted along major roads throughout the valley floor.

In January of 2008 avian research was started to determine the status of the avifauna in Coyote Valley. Then in April of 2008, a three month vegetation survey was conducted to determine what plants were present in Coyote Valley.

The data obtained from this long-term study will inform the process to protect the Coyote Valley landscape, including the critical and threatened linkages that provide connectivity for wildlife. It will also help inform long term management planning efforts, including the Santa Clara Habitat Conservation Plan and City of San Jose Envision 2040.

## Study Area and Methods

### Study Area

The Coyote Valley landscape is a mosaic of farmlands, orchards, wetlands, riparian corridors and residential housing located in Santa Clara County between Morgan Hill and southern San Jose. The total land area of



Figure 3. Orthophoto of Coyote Valley. Data source: [www.geocomm.com](http://www.geocomm.com).

Coyote Valley is approximately 7,000 acres (28 km<sup>2</sup>) and is one of the largest remaining contiguous tracts of undeveloped valley floor, which connects the Santa Cruz Mountains with the Diablo Range (Figure 3).

The southern portion of the valley is the “green belt” zone, which consists of residential development and commercial factories, and the northern part consists of agricultural fields. The northern and southern sections are not considered feasible for inclusion in the corridor planning.

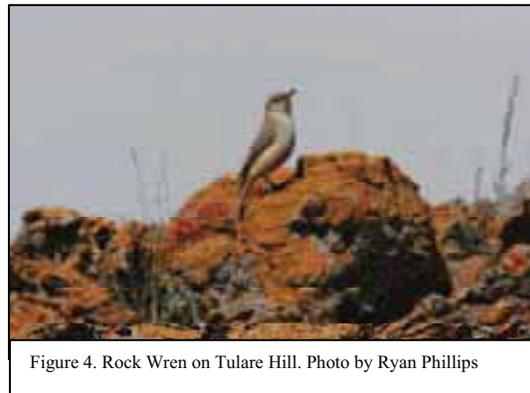
The Coyote Creek watershed encompasses Coyote Valley, two riparian corridors, Coyote and Fisher Creeks, the Laguna Seca wetlands in the north valley and Ogier Ponds, the man-made pond system in the southeast portion of Coyote Creek County Park.

The total study area for both the mammal and bird surveys encompassed most of Coyote Valley, including Coyote Creek County Park and Tulare Hill Ecological Reserve. Other observations were made in Calero County Park and Rancho Del Oro Open Space in the Santa Cruz Mountains to the west of Coyote Valley, although that information is not included in this report. The vegetation surveys were conducted in the “green belt” zone, Coyote Creek County Park, and Tulare Hill Ecological Reserve due to restricted access.

## Avian Surveys

Survey techniques included strip line-transects, variable radius point counts, Breeding Bird Atlas surveys (Bousman 2007) and raptor nest surveys. Six 500 m line-transects, monitored monthly, were established throughout Coyote Valley and were chosen randomly depending on accessibility of certain lands (Figure 5). Transects were set up in all habitat types within Coyote Valley for comparison of species composition of bird species. Transects were conducted monthly along a 500 m long line for 45 minutes (with two 30 m bands). All birds were recorded within or outside 30 m from the transect or as a flyover, so abundance of species that were hard to detect past 30 m, such as sparrows, could be quantified without survey error. Flyovers were not included in the abundance calculations, but were used for presence or absence. The time of day that the surveys were started was dependent on the season. During the breeding season (March-August) transects were started within 30 minutes of sunrise. During the non-breeding season (September-February) the time in which a

transect was started was dependent on the predicted daily high temperature. If the daily high temperature was below 80° F then the transect was conducted before 1400, but if the high reached 80° F or above then the



transect was conducted prior to 1100. Transects were not conducted if rain or winds above a 3 according to the Beaufort Scale were occurring.

Sixteen variable radius point count stations were established to survey raptors in Coyote Valley. Point counts were set up evenly distributed a minimum of 500 m apart throughout

Coyote Valley with all habitats being monitored. Each point count station was conducted monthly throughout the year to determine seasonality, species composition, relative abundance and density, and habitat utilization. Each count lasted 10 minutes and all individual raptors were recorded within a 500 m radius. Individuals recorded in point count stations along riparian corridors were recorded within a 200 m radius due to visibility problems and difficulty detecting individuals outside that distance. For each individual observed the estimated distance to that individual, direction to the bird, habitat first observed in, if it was flying over or flying but using the habitat, whether it was first detected by sight or ear, was it adult, immature or juvenile and what sex if that could be determined was recorded.

Breeding bird data was compiled using criteria of the “Breeding Bird Atlas of Santa Clara County, California” (Table 1) (Bousman, 2007). A Breeding Bird Atlas (BBA) survey categorizes each species breeding within a geographic region by using various behavioral observations. A list of the breeding status of bird species in Coyote Valley was compiled. Point count surveys for raptors and nest surveys were also conducted to determine nesting density, intraspecific and interspecific competition, habitat usage, and nesting success and productivity. In 2008, priority was given to locating as many nests as possible to determine density. In 2009-2010 the research will focus on habitat utilization, nesting success and productivity.

Prior to the raptor nesting season, which begins in late February for most species, trees were surveyed throughout the study site for possible raptors nests while the deciduous trees were without leaves. All possible nests were georeferenced and then checked during the breeding season for activity. If an active nest was located, data were collected and

disturbance to the nest limited with observations conducted from a minimum distance of 100 m depending on anxiousness of the birds. The status of each nest was monitored two times per month to determine the length of the different stages, incubating, branching, and fledging, of the breeding cycle.



Figure 5. Study area for the avian surveys, including transect and point count locations.

TABLE 1. Criteria for classification of breeding bird status (Bousman 2007).

**Observed (OB)**

---

X – Species was observed as present in this grid.

**Possible (PO)**

---

√ Individual (male or female) seen in suitable nesting habitat in breeding season.

X – Singing male in suitable habitat in breeding season.

**Probable (PR)**

---

P – Pair in suitable habitat in breeding season.

S – Territory presumed through song at same location on at least two occasions 7 or more days apart.

T – Territorial defense (chasing birds of the same species).

C – Courtship behavior or copulation observed.

N – Visiting probable nest site.

A – Agitated behavior, scolding of observer as if near a nest.

B – Nest building by wrens; Hole excavation by woodpeckers.

**Confirmed (C)**

---

CN – Carrying nest material (use this code with care).

NB – Nest building (except by wrens and woodpeckers).

PE – Physiological evidence obtained from bird in the hand (brood patch, egg in oviduct, etc.).

DD – Distraction displays.

UN – Used nest of eggshells found (careful documentation required).

PY- Precocial young incapable of flight and restricted to natal area

FL – Recently fledged altricial young or downy precocial young incapable of sustained travel.

ON – Occupied nest.

CF – Adult carrying food for young.

FY – Adult feeding recently fledged young.

FS – Adult carrying fecal sac.

NE – Nest with eggs.

NY – Nest with young seen or heard

**Abundance Codes**

---

1: 1 pair estimated

2: 2-10 pairs estimated

3: 11-100 pairs estimated

4: 101-1,000 pairs estimated

5: 1,001-10,000 pairs estimated

## Mammal Surveys

### Introduction

In the published literature by leading corridor experts, the minimum width of a viable corridor for multiple species is 2 km wide (Penrod et al 2006). The current width of the corridor within Coyote Valley is 1.95 km. Losing any habitat within Coyote Valley will decrease the effectiveness of this linkage for multiple species.

Surveys were conducted along Highway 101 culverts and underpasses. Figure 6 shows the study area for the mammal surveys including the culverts running under Highway 101.

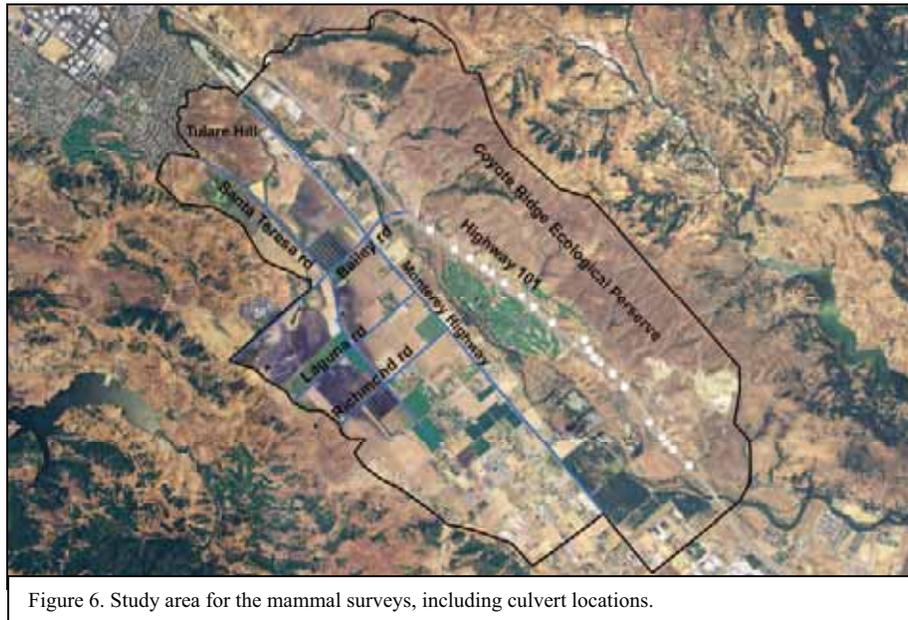


Figure 6. Study area for the mammal surveys, including culvert locations.

To determine mammal presence and absence, species composition, movement patterns, and high usage areas noninvasive field techniques were used involving formal tracking (scats, tracks, and live sightings), digital field cameras, line-transects, and observational

data from different agencies (Long et al. 2008, Spencer 2005, Conservation Biology Institute 2003). Field data were collected weekly along transects encompassing the northern and southern sections of Coyote Valley, on public lands within the study site. For each data point, the field team recorded GPS coordinates for each location, time of day, date, classified the habitat type, sample age, proximity to human activity, and other relevant information. Each data point was measured, photographed, and recorded into a datasheet (Figure 7). All data points were downloaded weekly and then mapped onto an orthophoto (1 m resolution 2005 USGS). Digital habitat layers consisting of vegetation, riparian corridors, wetlands, soil type, slope, roads, and urban layers were also added into the map using GIS (Penrod et al. 2006, ArcMap ERSI 9.1).

To document wildlife movement through certain locations, such as the Highway 101 culverts, Cuddeback infrared field cameras were used, which take a 1 minute video clip along with a photograph. Using these remote cameras allowed us to document animal movement detections throughout the Highway 101 culvert system.

Track station transects were established throughout the valley floor and were approximately 1 mile long, generally following roads and trails (human and wildlife game trails) at each study site (Long et al. 2008). Five track stations were placed at 250 m intervals along each transect. Tracks for each species were recorded using a Garmin Etrex handheld GPS unit in UTM NAD 83, measured in inches, photographed, and direction of travel was also recorded.

**ON TRAIL WORKSHEET**  
**Casta Valley Corridor Condition Project 2002**

Date: 10/10/02 Recorder: J. C. [unclear] Group: [unclear] Site #: 2 Page Number: 1

Weather: [unclear] Start Location UTM Easting/Northing: [unclear]

Observations (animals seen, etc.): [unclear] Sampling Location on either side of [unclear]

Percent entering data into Excel: [unclear] Key: B-Bat, C-Coyote, R-Raccoon, D-Deer, P-Pig, O-Owl, M1-Mountain Lion Track, M2-Mountain Lion Scat, PTM-Potential Mtn Lion Scat, F-Fox

Animal	Track or Scat (T/S)	Photo #	Distance from Trail (meters)	Sex/ Age (adult/immature)	Size (Length/Width) (mm)	Notes
200	COYOTE	101	100	AD	410/100	1st visit
201	COYOTE	102	150	AD	410/100	1st visit
202	COYOTE	103	200	AD	410/100	1st visit
203	COYOTE	104	250	AD	410/100	1st visit
204	COYOTE	105	300	AD	410/100	1st visit
205	COYOTE	106	350	AD	410/100	1st visit
206	COYOTE	107	400	AD	410/100	1st visit
207	COYOTE	108	450	AD	410/100	1st visit
208	COYOTE	109	500	AD	410/100	1st visit
209	COYOTE	110	550	AD	410/100	1st visit
210	COYOTE	111	600	AD	410/100	1st visit
211	COYOTE	112	650	AD	410/100	1st visit
212	COYOTE	113	700	AD	410/100	1st visit
213	COYOTE	114	750	AD	410/100	1st visit
214	COYOTE	115	800	AD	410/100	1st visit
215	COYOTE	116	850	AD	410/100	1st visit
216	COYOTE	117	900	AD	410/100	1st visit
217	COYOTE	118	950	AD	410/100	1st visit
218	COYOTE	119	1000	AD	410/100	1st visit
219	COYOTE	120	1050	AD	410/100	1st visit
220	COYOTE	121	1100	AD	410/100	1st visit
221	COYOTE	122	1150	AD	410/100	1st visit
222	COYOTE	123	1200	AD	410/100	1st visit
223	COYOTE	124	1250	AD	410/100	1st visit
224	COYOTE	125	1300	AD	410/100	1st visit
225	COYOTE	126	1350	AD	410/100	1st visit
226	COYOTE	127	1400	AD	410/100	1st visit
227	COYOTE	128	1450	AD	410/100	1st visit
228	COYOTE	129	1500	AD	410/100	1st visit
229	COYOTE	130	1550	AD	410/100	1st visit
230	COYOTE	131	1600	AD	410/100	1st visit
231	COYOTE	132	1650	AD	410/100	1st visit
232	COYOTE	133	1700	AD	410/100	1st visit
233	COYOTE	134	1750	AD	410/100	1st visit
234	COYOTE	135	1800	AD	410/100	1st visit
235	COYOTE	136	1850	AD	410/100	1st visit
236	COYOTE	137	1900	AD	410/100	1st visit
237	COYOTE	138	1950	AD	410/100	1st visit
238	COYOTE	139	2000	AD	410/100	1st visit
239	COYOTE	140	2050	AD	410/100	1st visit
240	COYOTE	141	2100	AD	410/100	1st visit
241	COYOTE	142	2150	AD	410/100	1st visit
242	COYOTE	143	2200	AD	410/100	1st visit
243	COYOTE	144	2250	AD	410/100	1st visit
244	COYOTE	145	2300	AD	410/100	1st visit
245	COYOTE	146	2350	AD	410/100	1st visit
246	COYOTE	147	2400	AD	410/100	1st visit
247	COYOTE	148	2450	AD	410/100	1st visit
248	COYOTE	149	2500	AD	410/100	1st visit
249	COYOTE	150	2550	AD	410/100	1st visit
250	COYOTE	151	2600	AD	410/100	1st visit
251	COYOTE	152	2650	AD	410/100	1st visit
252	COYOTE	153	2700	AD	410/100	1st visit
253	COYOTE	154	2750	AD	410/100	1st visit
254	COYOTE	155	2800	AD	410/100	1st visit
255	COYOTE	156	2850	AD	410/100	1st visit
256	COYOTE	157	2900	AD	410/100	1st visit
257	COYOTE	158	2950	AD	410/100	1st visit
258	COYOTE	159	3000	AD	410/100	1st visit
259	COYOTE	160	3050	AD	410/100	1st visit
260	COYOTE	161	3100	AD	410/100	1st visit
261	COYOTE	162	3150	AD	410/100	1st visit
262	COYOTE	163	3200	AD	410/100	1st visit
263	COYOTE	164	3250	AD	410/100	1st visit
264	COYOTE	165	3300	AD	410/100	1st visit
265	COYOTE	166	3350	AD	410/100	1st visit
266	COYOTE	167	3400	AD	410/100	1st visit
267	COYOTE	168	3450	AD	410/100	1st visit
268	COYOTE	169	3500	AD	410/100	1st visit
269	COYOTE	170	3550	AD	410/100	1st visit
270	COYOTE	171	3600	AD	410/100	1st visit
271	COYOTE	172	3650	AD	410/100	1st visit
272	COYOTE	173	3700	AD	410/100	1st visit
273	COYOTE	174	3750	AD	410/100	1st visit
274	COYOTE	175	3800	AD	410/100	1st visit
275	COYOTE	176	3850	AD	410/100	1st visit
276	COYOTE	177	3900	AD	410/100	1st visit
277	COYOTE	178	3950	AD	410/100	1st visit
278	COYOTE	179	4000	AD	410/100	1st visit
279	COYOTE	180	4050	AD	410/100	1st visit
280	COYOTE	181	4100	AD	410/100	1st visit
281	COYOTE	182	4150	AD	410/100	1st visit
282	COYOTE	183	4200	AD	410/100	1st visit
283	COYOTE	184	4250	AD	410/100	1st visit
284	COYOTE	185	4300	AD	410/100	1st visit
285	COYOTE	186	4350	AD	410/100	1st visit
286	COYOTE	187	4400	AD	410/100	1st visit
287	COYOTE	188	4450	AD	410/100	1st visit
288	COYOTE	189	4500	AD	410/100	1st visit
289	COYOTE	190	4550	AD	410/100	1st visit
290	COYOTE	191	4600	AD	410/100	1st visit
291	COYOTE	192	4650	AD	410/100	1st visit
292	COYOTE	193	4700	AD	410/100	1st visit
293	COYOTE	194	4750	AD	410/100	1st visit
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295	COYOTE	196	4850	AD	410/100	1st visit
296	COYOTE	197	4900	AD	410/100	1st visit
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298	COYOTE	199	5000	AD	410/100	1st visit
299	COYOTE	200	5050	AD	410/100	1st visit
300	COYOTE	201	5100	AD	410/100	1st visit
301	COYOTE	202	5150	AD	410/100	1st visit
302	COYOTE	203	5200	AD	410/100	1st visit
303	COYOTE	204	5250	AD	410/100	1st visit
304	COYOTE	205	5300	AD	410/100	1st visit
305	COYOTE	206	5350	AD	410/100	1st visit
306	COYOTE	207	5400	AD	410/100	1st visit
307	COYOTE	208	5450	AD	410/100	1st visit
308	COYOTE	209	5500	AD	410/100	1st visit
309	COYOTE	210	5550	AD	410/100	1st visit
310	COYOTE	211	5600	AD	410/100	1st visit
311	COYOTE	212	5650	AD	410/100	1st visit
312	COYOTE	213	5700	AD	410/100	1st visit
313	COYOTE	214	5750	AD	410/100	1st visit
314	COYOTE	215	5800	AD	410/100	1st visit
315	COYOTE	216	5850	AD	410/100	1st visit
316	COYOTE	217	5900	AD	410/100	1st visit
317	COYOTE	218	5950	AD	410/100	1st visit
318	COYOTE	219	6000	AD	410/100	1st visit
319	COYOTE	220	6050	AD	410/100	1st visit
320	COYOTE	221	6100	AD	410/100	1st visit
321	COYOTE	222	6150	AD	410/100	1st visit
322	COYOTE	223	6200	AD	410/100	1st visit
323	COYOTE	224	6250	AD	410/100	1st visit
324	COYOTE	225	6300	AD	410/100	1st visit
325	COYOTE	226	6350	AD	410/100	1st visit
326	COYOTE	227	6400	AD	410/100	1st visit
327	COYOTE	228	6450	AD	410/100	1st visit
328	COYOTE	229	6500	AD	410/100	1st visit
329	COYOTE	230	6550	AD	410/100	1st visit
330	COYOTE	231	6600	AD	410/100	1st visit
331	COYOTE	232	6650	AD	410/100	1st visit
332	COYOTE	233	6700	AD	410/100	1st visit
333	COYOTE	234	6750	AD	410/100	1st visit
334	COYOTE	235	6800	AD	410/100	1st visit
335	COYOTE	236	6850	AD	410/100	1st visit
336	COYOTE	237	6900	AD	410/100	1st visit
337	COYOTE	238	6950	AD	410/100	1st visit
338	COYOTE	239	7000	AD	410/100	1st visit
339	COYOTE	240	7050	AD	410/100	1st visit
340	COYOTE	241	7100	AD	410/100	1st visit
341	COYOTE	242	7150	AD	410/100	1st visit
342	COYOTE	243	7200	AD	410/100	1st visit
343	COYOTE	244	7250	AD	410/100	1st visit
344	COYOTE	245	7300	AD	410/100	1st visit
345	COYOTE	246	7350	AD	410/100	1st visit
346	COYOTE	247	7400	AD	410/100	1st visit
347	COYOTE	248	7450	AD	410/100	1st visit
348	COYOTE	249	7500	AD	410/100	1st visit
349	COYOTE	250	7550	AD	410/100	1st visit
350	COYOTE	251	7600	AD	410/100	1st visit
351	COYOTE	252	7650	AD	410/100	1st visit
352	COYOTE	253	7700	AD	410/100	1st visit
353	COYOTE	254	7750	AD	410/100	1st visit
354	COYOTE	255	7800	AD	410/100	1st visit
355	COYOTE	256	7850	AD	410/100	1st visit
356	COYOTE	257	7900	AD	410/100	1st visit
357	COYOTE	258	7950	AD	410/100	1st visit
358	COYOTE	259	8000	AD	410/100	1st visit
359	COYOTE	260	8050	AD	410/100	1st visit
360	COYOTE	261	8100	AD	410/100	1st visit
361	COYOTE	262	8150	AD	410/100	1st visit
362	COYOTE	263	8200	AD	410/100	1st visit
363	COYOTE	264	8250	AD	410/100	1st visit
364	COYOTE	265	8300	AD	410/100	1st visit
365	COYOTE	266	8350	AD	410/100	1st visit
366	COYOTE	267	8400	AD	410/100	1st visit
367	COYOTE	268	8450	AD	410/100	1st visit
368	COYOTE	269	8500	AD	410/100	1st visit
369	COYOTE	270	8550	AD	410/100	1st visit
370	COYOTE	271	8600	AD	410/100	1st visit
371	COYOTE	272	8650	AD	410/100	1st visit
372	COYOTE	273	8700	AD	410/100	1st visit
373	COYOTE	274	8750	AD	410/100	1st visit
374	COYOTE	275	8800	AD	410/100	1st visit
375	COYOTE	276	8850	AD	410/100	1st visit
376	COYOTE	277	8900	AD	410/100	1st visit
377	COYOTE	278	8950	AD	410/100	1st visit
378	COYOTE	279	9000	AD	410/100	1st visit
379	COYOTE	280	9050	AD	410/100	1st visit
380	COYOTE	281	9100	AD	410/100	1st visit
381	COYOTE	282	9150	AD	410/100	1st visit
382	COYOTE	283	9200	AD	410/100	1st visit
383	COYOTE	284	9250	AD	410/100	1st visit
384	COYOTE	285	9300	AD	410/100	1st visit
385	COYOTE	286	9350	AD	410/100	1st visit
386	COYOTE	287	9400	AD	410/100	1st visit
387	COYOTE	288	9450	AD	410/100	1st visit
388	COYOTE	289	9500			

## 1) Camera Monitor Stations:

- Cameras used: 10 field cameras: 3 Cuddeback Infrared, 3 StealthCam digital cameras, 4 StealthCam 35mm
- Cameras placed at high use trails, highway culverts, water stations, or baited locations of interest
- Each camera station consisted of a 30 day monitoring period
- Cameras checked every 7 days (Figure 8)



Figure 8: Example of culvert camera results, Bobcat heading east at Culvert 10. Photo courtesy of Tanya Diamond.

## 2) Wildlife Tracking Survey:

For every wildlife sign; live sighting, camera image, track, scat:

- GPS coordinate recorded in datum NAD 83 and coordinate system UTM Zone 10
- Photo, including date, picture number, and GPS point for reference
- Measurement of the track, scat or sign is recorded in a data sheet (Figure 9)



Figure 9: Example of track data collection. Coyote track on Bailey Road on 2 February 2008.

### 3) Casting of Wildlife Tracks:

- Tracks of special interest/focal species and/or an indications of significant movement were recorded by making casts of track
- Tracks, measured by length then width, were recorded on a data sheet and a photo of the track was taken (with ruler for scale and note card with data information)
- Data information cards include the species name, date, photo number and direction of travel
- For each track casting, the species common and scientific names, the measurement of the track length and width (inches), the date, the site location including GPS waypoint and the direction of animal travel is recorded

### 4) Mapping of all data recorded including Camera Stations using GIS ArcView 9.1:

Data were mapped using GIS software on HP Computer Tablets

- Data were downloaded into an Excel Worksheet 4.0 file
- Data were then imported into an Microsoft Access Database
- The Microsoft Access Database file was then added into ArcMap, and a shapefile was created with the information included in the Microsoft Access Database
- Each species location was mapped out

### Corridor Width Analyses

Corridor width was determined utilizing two methods, one derived from Penrod et al. (2006) and Quinn and Diamond, in press. The first width analysis (Penrod et al. 2006) was designed to consider multiple species including mammals, birds, reptiles, and plants. The authors of the South Coast Missing Linkages Project report state that, “While the size and distance among habitats (addressed by patch size and configuration analyses) must be adequate to support species movement, the shape of those habitats also plays a key role. In particular, constriction point-areas where habitats have been narrowed by surrounding development can prevent organisms moving through the Least-cost path corridor design. To ensure that functional processes are protected, we imposed a minimum width of 2 km (1.2 mi) for all portions of the final Linkage Design.”

The second corridor width analysis (Quinn and Diamond in press) developed for North American badgers can be used for any other animal species. The analysis involves averaging all the known home ranges of the species of interest and dividing by two:  $x$  (mean) of home range  $/1/2 =$  corridor width, (Paul Beier & Wayne Spencer pers. comm.).

## Plant Surveys

A checklist of the Coyote Valley flora observed during the 2008 study period was

prepared (Table 6). Special attention was given to the identification of species with special status, such as *Cirsium fontinale*, the Mount Hamilton Thistle (Figure 10).



Figure 10. Mount Hamilton Thistle in the Coyote Valley region. Map courtesy of calflora.org

## **Results**

### **Bird Results**

#### **Species Composition**

In the study area 166 bird species were recorded through transects, point counts, Breeding Bird Atlas, and incidental observations (Table 2). This represents 43% of the total number of species recorded in Santa Clara County including vagrant species (accidental occurrence) as of 20 April 2005 (Bousman 2005). If vagrants are excluded this represents 57% of the species recorded in Santa Clara County. Of the 166 species recorded, 21 were raptors including a California rarity Crested Caracara (second county record, but the first documented with photographs) and a Harlan's Red-tailed Hawk. A tagged Bald Eagle, which was released on Santa Cruz Island in 2004 as part of restoration efforts, resided in Coyote Valley from September through December 2008.

Highest species diversity and abundance was most prominent in the Coyote Creek riparian corridor from March-October and in the agricultural fields in the northern portion of Coyote Valley surrounding Laguna and Richmond Avenues from November-February. Tulare Hill Ecological Reserve lacked species diversity, but held many serpentine and grassland specialists, including Rock Wren, Horned Lark, American Pipit, Burrowing Owl, Rufous-crowned Sparrow, and Say's Phoebe. The southern portion of Coyote Valley, which consisted mainly of the "green" belt zone was lacking species richness and diversity with the most common species being Rock Dove, House Sparrow, House Finch, European Starling, and Mourning Dove.

**Table 2. Coyote Valley bird list from 26 December- 31 December 2008.**

Western Grebe	American Avocet	Bewick's Wren
Eared Grebe	Greater Yellowlegs	Marsh Wren
Pied-billed Grebe	Common Snipe	House Wren
<b>Brown Pelican SE/FE</b>	Mew Gull	<b>Rock Wren 4</b>
<b>American White Pelican BSSC</b>	Ring-billed Gull	Wrentit
Double-crested Cormorant	California Gull	Ruby-crowned Kinglet
Great Blue Heron	Thayer's Gull	Western Bluebird
Great Egret	Herring Gull	American Robin
Snowy Egret	Western Gull	Hermit Thrush
Green Heron	Glaucous-winged Gull	Swainson's Thrush
Black-crowned Night-Heron	GlaucousxHerring Gull	Northern Mockingbird
<b>American Bittern 4</b>	Forster's Tern	California Thrasher
Canada Goose	Caspian Tern	European Starling
Cackling Goose	Mourning Dove	American Pipit
Greater White-fronted Goose	Rock Dove	Cedar Waxwing
<b>Ross's Goose 4</b>	Band-tailed Pigeon	Yellow-rumped Warbler
<b>Snow Goose 4</b>	White-throated Swift	Townsend's Warbler
Wood Duck	<b>Vaux's Swift 4 BSSC</b>	Orange-crowned Warbler
Mallard	Barn Owl	Yellow Warbler
Gadwall	<b>Short-eared Owl 4 BSSC</b>	Common Yellowthroat
Northern Pintail	Great-horned Owl	Wilson's Warbler
American Wigeon	<b>Burrowing Owl BSSC/CS</b>	<b>Yellow-breasted Chat 5 BSSC</b>
Northern Shoveler	Anna's Hummingbird	Western Tanager
Cinnamon Teal	Allen's Hummingbird	<b>Blue Grosbeak 4</b>
Canvasback	<b>Rufous Hummingbird 4</b>	Black-headed Grosbeak
Ring-necked Duck	Belted Kingfisher	Lazuli Bunting
Lesser Scaup	Acorn Woodpecker	Spotted Towhee
Greater Scaup	Downy Woodpecker	California Towhee
Common Goldeneye	Hairy Woodpecker	Rufous-crowned Sparrow
Bufflehead	Nuttall's Woodpecker	Savannah Sparrow
Hooded Merganser	Red-breasted Sapsucker	Golden-crowned Sparrow
Common Merganser	Northern Flicker	White-crowned Sparrow
Ruddy Duck	Pileated Woodpecker	<b>White-throated Sparrow 4</b>
Turkey Vulture	Pacific-slope Flycatcher	Fox Sparrow
<b>Northern Harrier BSSC</b>	Willow Flycatcher	Song Sparrow
<b>White-tailed Kite FP</b>	Western Wood-Pewee	Lincoln's Sparrow
Sharp-shinned Hawk	Black Phoebe	Lark Sparrow
Cooper's Hawk	Say's Phoebe	Dark-eyed Junco
Red-shouldered Hawk	<b>Cassin's Kingbird 5</b>	Western Meadowlark
Red-tailed Hawk	Western Kingbird	Brown-headed Cowbird
Harlan's Red-tailed Hawk	Ash-throated Flycatcher	<b>Tricolored Blackbird BSSC</b>
<b>Swainson's Hawk 5 ST</b>	Hutton's Vireo	Red-winged Blackbird
<b>Ferruginous Hawk 4</b>	<b>Loggerhead Shrike BSSC</b>	Brewer's Blackbird
<b>Golden Eagle CS/FP</b>	Warbling Vireo	<b>Great-tailed Grackle 5</b>
<b>Bald Eagle 4 SE</b>	Steller's Jay	Bullock's Oriole
<b>Osprey 4</b>	Western Scrub-Jay	Hooded Oriole
<b>Crested Caracara 6</b>	Yellow-billed Magpie	Purple Finch
Merlin	Common Raven	House Finch
American Kestrel	American Crow	Lesser Goldfinch
Prairie Falcon	Horned Lark	American Goldfinch
<b>Peregrine Falcon SE</b>	Northern Rough-winged Swallow	House Sparrow
California Quail	Tree Swallow	
Ring-necked Pheasant	Violet-green Swallow	
Wild Turkey	Cliff Swallow	<b>bold with number = rarity(1-6)</b>
American Coot	Barn Swallow	<b>in red= special status species</b>
Common Moorhen	Oak Titmouse	<b>BSSC= Bird Species Special Concern</b>
Sora	Chestnut-backed Chickadee	<b>SE= State Endangered</b>
Virginia Rail	Bushtit	<b>ST= State Threatened</b>
Killdeer	White-breasted Nuthatch	<b>CS= Covered Species by HCP</b>
Spotted Sandpiper	Brown Creeper	<b>FP= Fed. Fully Protected</b>

## Special Status Species

Thirteen species of birds with special status in California (species of special concern, HCP covered species, state endangered, state threatened or federally fully protected) were recorded. These species included American White Pelican, Northern Harrier, White-tailed Kite, Swainson's Hawk, Golden Eagle, Bald Eagle, Peregrine Falcon, Vaux's Swift, Short-eared Owl, Burrowing Owl, Loggerhead Shrike, Yellow-breasted Chat, and Tricolored Blackbird. Only 2 species, White-tailed Kite and Loggerhead Shrike, were confirmed to breed within Coyote Valley. Seven White-tailed Kite nests and one Loggerhead



Figure 11: Juvenile Golden Eagle on Laguna Avenue. Photo taken by Ryan Phillips.

Shrike nest were recorded, but evidence was observed of at least four pairs of Loggerhead Shrike breeding within the valley.

Other possible special status species breeding in Coyote Valley were Yellow-breasted Chat and Golden Eagle. In recent past years, a Golden Eagle nest was found to be active in the transmission towers to the west, approximately one mile from Coyote Valley. A pair of Golden Eagles actively foraging in Coyote Valley year round was observed, which could be the same pair or a second pair nesting in the Cinnabar Hills. At least one and possibly two Yellow-breasted Chats were actively singing in suitable breeding habitat for over four weeks from 28 April to 2 June. After 2 June no individuals or evidence of breeding were observed. They most likely vacated the area. All other special status species observed were either winter residents or transients passing through during migration.

## **Riparian Obligate Species**

According to California Partners in Flight there are fourteen riparian obligate bird species of conservation concern found in California. These include: Swainson's Hawk, Yellow-billed Cuckoo, Willow Flycatcher, Bank Swallow, Swainson's Thrush, Bell's Vireo, Warbling Vireo, Yellow Warbler, Wilson's Warbler, Common Yellowthroat, Yellow-breasted Chat, Blue Grosbeak, Song Sparrow and Black-headed Grosbeak. Eleven of the fourteen obligate species have been observed on either Coyote or Fisher Creek. The three species that have not been observed in the riparian corridors within Coyote Valley are Yellow-billed Cuckoo, Bank Swallow and Bell's Vireo.

A single adult intermediate morph Swainson's Hawk was observed soaring over Coyote Creek at Coyote Ranch Road on 1 May, where it was first observed soaring north then circled and moved south out of view. This individual was most likely a transient, but breeding could occur within Santa Clara County as three nestlings were found in the county in June and July (Bousman 2007). Suitable breeding habitat exists along Coyote Creek in Coyote Valley with an abundance of mature California Sycamores (*Platanus racemosa*) and Fremont Cottonwoods (*Populus fremontii*) surrounded by agricultural fields.

Warbling Vireos have been recorded from April through September and breeding has been confirmed along Coyote Creek. The primary location within our study area where breeding Warbling Vireos occur is in the Coyote Ranch area. This species can be found throughout the riparian corridor, but only during migration. It is estimated that less than ten pairs breed along Coyote Creek.

In early September, during fall migration, two Willow Flycatchers were observed in the area along Coyote Creek. This species is only found as a transient in the area and does not breed along Coyote Creek.

Yellow Warblers were recorded along the entire stretch of Coyote Creek from mid to late April through September. During both spring and fall migration abundance increased and numbers dropped post spring migration in late May and early June. No nests were located, but singing males holding territories were observed throughout the breeding season making them probable breeders along Coyote Creek.

Both Common Yellowthroat and Song Sparrow were the most common breeders along Coyote Creek with an estimated 200 breeding pairs of yellowthroats and 400 breeding pairs of Song Sparrows within our study area. Both are residents in Coyote Valley.

At least one (possibly two) Yellow-breasted Chats were observed singing on Coyote Creek adjacent to Coyote Ranch from 28 April to 2 June. This gave them a probable breeding status according to the BBA criteria, but no evidence of nesting was observed.

Wilson's Warblers were common during both spring and fall migration and only a few individuals were detected in June with none in July. This suggests that June individuals could have been breeders, but most likely were very late migrants. No evidence of nesting was observed.

Black-headed Grosbeaks were fairly common throughout the breeding season and breeding was confirmed along Coyote Creek in multiple locations. It was estimated that less than 50 pairs breed along Coyote Creek.

A single adult male Blue Grosbeak was observed calling along Fisher Creek on 7 July, which suggests that breeding occurs. However, no evidence of nesting was observed. If

breeding does occur in Coyote Valley this would be one of only a few locations in Santa Clara County (Bousman 2007). The only other known occurrence of this species in our study site was made by Stephen Rottenborn in 1994 who observed a singing male along Coyote Creek north of the Riverside Golf Course (Bousman 2007).

### **Breeding Status**

The breeding status of species was identified following the Santa Clara County Breeding Bird Atlas protocol. One hundred-eight species were recorded with breeding status in Coyote Valley and confirmed breeding of 35 species with 44 probable, 19 possible and 10 observed (Table 3). Of the 35 confirmed breeders, two have special status, the Loggerhead Shrike and White-tailed Kite. For comparison, from 1987 to 1993, the Santa Clara County Breeding Bird Atlas surveys recorded 75 species with breeding status and confirmed breeding of 49 species in the Coyote Valley block, but that also included areas outside of our study area (Bousman 2007). However, 40 field hours were dedicated to this block in those seven years of surveys compared to our over 300 field hours in one year.

Active raptor nests were located within the study area, as well as habitat preference and relative nesting density. Forty active raptor nests of seven species were reported including, 12 Red-shouldered Hawk, 12 Red-tailed Hawk, 8 White-tailed Kite, 5 American Kestrel, 1 Cooper's Hawk, 1 Great Horned Owl, and 1 Turkey Vulture (Fig. 13). This resulted in a nesting density of one nesting pair per 1.2 km<sup>2</sup> (40 nesting pairs per 33 km<sup>2</sup>), which is comparable on a much smaller scale to the Snake River Bird of Prey National Conservation Area that holds the highest density of nesting raptors in the world (800 nesting pair per 1,964 km<sup>2</sup> = 1 nesting pair per .41 km<sup>2</sup>).

## **Santa Clara County Rarities**

In Santa Clara County a rarity system has been developed on a scale of 1 to 6 with a one being the most common and six being the rarest (Bousman and Smith 2009). The 6's are species that have only been one or a few records in the county. Twelve 4's, four 5's and one 6 were recorded. The 4's were American Bittern, Ross's Goose, Snow Goose, Ferruginous Hawk, Bald Eagle, Osprey, Vaux's Swift, Short-eared Owl, Rufous Hummingbird, Rock Wren, Blue Grosbeak, and White-throated Sparrow. The four 5's were Swainson's Hawk, Cassin's Kingbird, Yellow-breasted Chat, and Great-tailed Grackle, and the only 6 being a second county record of Crested Caracara.

**Table 3. Breeding birds observed throughout Coyote Valley in 2008.**

Observed	Possible	Probable	Confirmed
<p>Ruddy Duck            Double-crested Cormorant            Snowy Egret            Black-crowned Night-Heron            Black-necked Stilt            Caspian Tern            Forster's Tern            Ruby-crowned Kinglet</p>	<p>Ring-necked Pheasant            Wild Turkey            American Bittern            Great Blue Heron            Great Egret            Common Moorhen            Spotted Sandpiper            Belted Kingfisher            Acorn Woodpecker            Western Wood-Pewee            Hutton's Vireo            Swainson's Thrush            Orange-crowned Warbler            Wilson's Warbler            Lark Sparrow            Dark-eyed Junco            Blue Grosbeak            Tricolored Blackbird            Purple Finch</p>	<p>Gadwall            Cinnamon Teal            Common Merganser            Pied-billed Grebe            Green Heron            Osprey            Northern Harrier            Golden Eagle            American Coot            Killdeer            Rock Pigeon            Mourning Dove            Barn Owl            White-throated Swift            Nuttall's Woodpecker            Downy Woodpecker            Northern Flicker            Pacific-slope Flycatcher            Ash-throated Flycatcher            Steller's Jay            Yellow-billed Magpie            Horned Lark            Tree Swallow            Violet-green Swallow            Barn Swallow            Chestnut-backed Chickadee            Oak Titmouse            Rock Wren            Bewick's Wren            House Wren            Western Bluebird            American Robin            Wrentit            California Thrasher            Yellow Warbler            Common Yellowthroat            Yellow-breasted Chat            Spotted Towhee            California Towhee            Black-headed Grosbeak            Western Meadowlark            Brown-headed Cowbird            Lesser Goldfinch            American Goldfinch</p>	<p>Canada Goose            Wood Duck            Mallard            California Quail            Turkey Vulture            White-tailed Kite            Cooper's Hawk            Red-shouldered Hawk            Red-tailed Hawk            American Kestrel            Great Horned Owl            Anna's Hummingbird            Black Phoebe            Western Kingbird            Loggerhead Shrike            Warbling Vireo            Western Scrub-jay            American Crow            Common Raven            N. Rough-winged Swallow            Cliff Swallow            Bushtit            White-breasted Nuthatch            Marsh Wren            Northern Mockingbird            European Starling            Rufous-crowned Sparrow            Song Sparrow            Red-winged Blackbird            Brewer's Blackbird            Great-tailed Grackle            Hooded Oriole            Bullock's Oriole            House Finch            House Sparrow</p>

## Mammal Results

Twenty-four mammal species have been identified within the study area (Table 4). A total of 1,787 animal detections have been recorded throughout the study site. A total of 877 animal detections have been recorded along the tracking transect throughout the study period, along with 910 animal detections recorded at the camera-trap stations.

**Table 4. Total Number of Mammals Identified by Track Transects in Coyote Valley in 2008**

Common Name	Scientific Name	Sensitive Species
1) Pallid bat	<i>(Antrozous pallidus)</i>	CA Species of Special concern
2) Red fox	<i>(Vulpes vulpes)</i>	
3) Gray fox	<i>(Urocyon cinereoargenteus)</i>	
4) Coyote	<i>(Canis latrans)</i>	
5) Bobcat	<i>(Lynx rufus)</i>	
6) Mountain lion	<i>(Puma concolor)</i>	
7) Domestic house cat	<i>(Felis catus)</i>	
8) Raccoon	<i>(Procyon lotor)</i>	
9) North American Badger	<i>(Taxidea taxus)</i>	CA Species of Special Concern
10) California ground squirrel	<i>(Spermophilus beecheyi)</i>	
11) Eastern fox squirrel	<i>(Sciurus niger)</i>	
12) Western harvest mouse	<i>(Reithrodontomys megalotis)</i>	
13) Deer mouse	<i>(Peromyscus maniculatus)</i>	
14) Dusky-footed woodrat	<i>(Neotoma fuscipes)</i>	CA Species of Special Concern
15) Norway rat	<i>(Rattus norvegicus)</i>	
16) Black rat	<i>(Rattus rattus)</i>	
17) Muskrat	<i>(Ondatra zibethicus)</i>	
18) Virginia opossum	<i>(Didelphis virginiana)</i>	
19) Audubon's cottontail	<i>(Sylvilagus audubonii)</i>	
20) Black-tailed jackrabbit	<i>(Lepus californicus)</i>	
21) Black-tailed deer	<i>(Odocoileus hemionus columbianus)</i>	
22) Tule elk	<i>(Cervus elapus nannodes)</i>	
23) Wild boar	<i>(Sus scrofa)</i>	
24) Striped skunk	<i>(Mephitis mephitis)</i>	

**Table 5. Total numbers of mammal tracks recorded by species**

Coyote Valley Mammal Data Numbers	
<b>SPECIES RECORDED IN CV:</b>	<b># of Animals in 2007/2008</b>
Badger	1
Bat	1
Black rat	5
Black-tailed deer	82
Black-tailed jackrabbit	4
Bobcat	2
Brush rabbit	109
California ground squirrel	56
Coyote	332
Deer mouse	5
Eastern gray squirrel	2
Unknown subspecies of Fox	15
Gopher	1
Gray fox	5
Harvest mouse	2
Mountain lion	26
Mouse	6
Opossum	3
Pocket gopher	6
Rabbit	16
Raccoon	94
Unknown Rat subspecies	1
Red fox	1
Skunk	1
Squirrel	3
Tree squirrel	1
Ungulate	7
Vole	1
Western harvest mouse	1
Wild pig	21
Dusky-footed woodrat	25
<b>TOTAL</b>	<b>877</b>

Multiple species tracks, scats or live sightings were identified in the Coyote Creek County Park and the valley floor. More than 60% of the tracks, were heading in the east and west directions throughout the study site. Coyote Valley contains a high diversity of wildlife (Figure 12). Multiple species such as bobcat, coyote, and deer have been tracked from Coyote Creek habitat along Bailey Road to the Fisher Creek culvert and IBM.

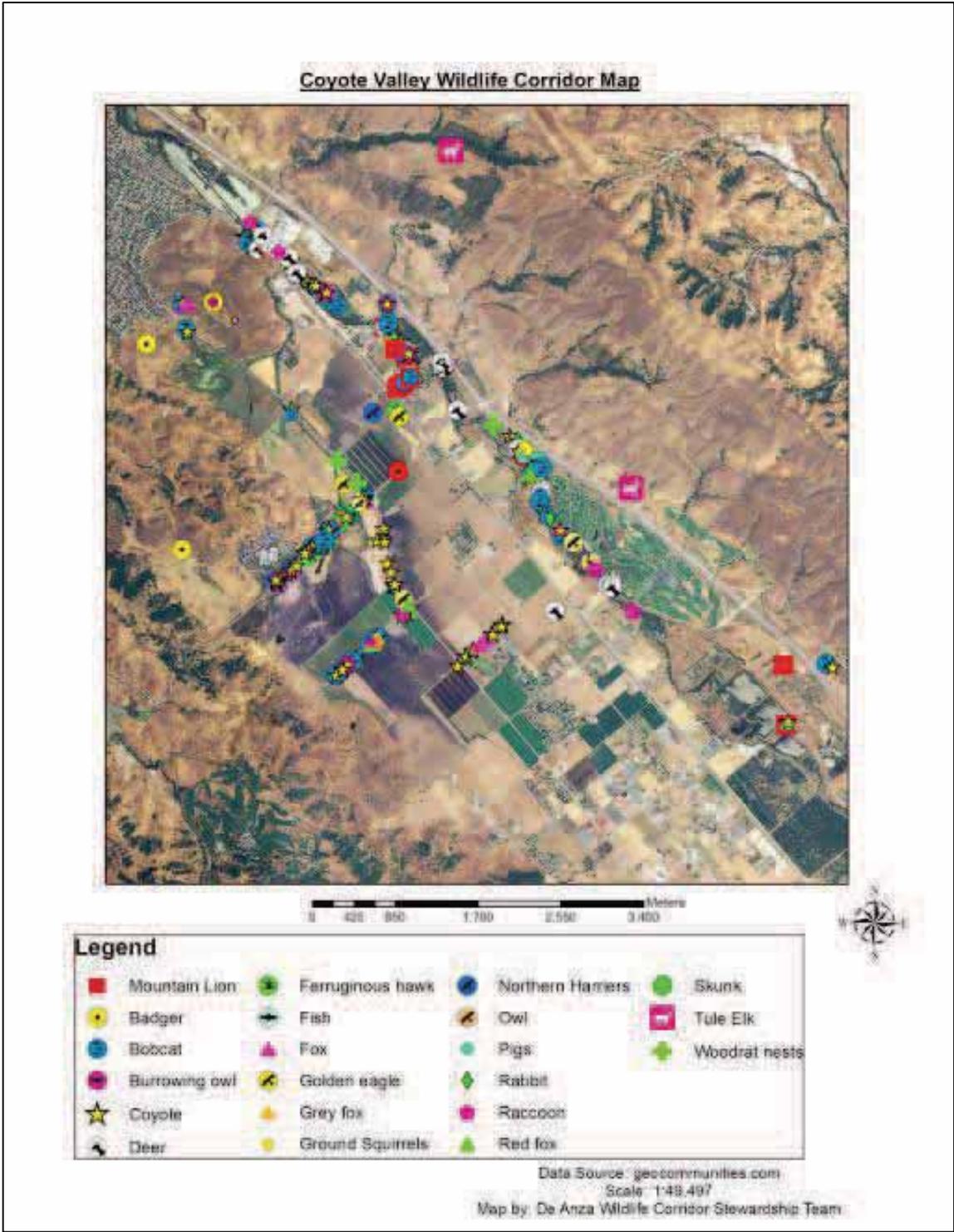


Figure 12. Wildlife Survey Data mapped out in ArcView 9.1

Wildlife has been recorded crossing Bailey Road and Santa Teresa Boulevard into adjacent agricultural fields. Multiple species were identified traveling along both Laguna Road and Richmond Road in all directions, including in and out of agricultural fields (Figure 13).



Figure 13. Laguna Avenue: multiple species tracks including bobcat, coyote and raccoon

Colored flags were used to indicate different species recorded traveling along Laguna Road (Figure 14). The orange flags represent bobcat tracks, the yellow flags represent coyote tracks and the blue flags identify raccoon tracks along Laguna Avenue (Figure 15) and Bailey Avenue (Figure 16).



Figure 14. Flags representing multiple species use of valley floor along Laguna Avenue



Figure 15. Flags representing multiple species use of valley floor along Laguna Avenue



Figure 16. Flags representing multiple species use of valley floor along Bailey Avenue

Over a nine month period over 400 data points (photo images) of animals were collected using remote field cameras along the Highway 101 culverts (Figure 17). These Highway 101 corridor culverts were identified and labeled by the California Department of Fish and Game. Seven of the culverts were monitored for wildlife use while 19 have not yet been monitored. Further culvert surveys will be conducted to identify species use, along with temporal and spatial analysis.

These data points from these 7 culverts were used to develop an initial connectivity map for the Highway 101 corridor (see Figure 12). This analysis demonstrates that wildlife species are using at least these seven monitored Highway 101 culverts to move from east to west and west to east.

The initial study indicates that the Highway 101 culvert corridor is permeable for wildlife, facilitating species movement from the east hills (such as Coyote Ridge and

including the Mt. Hamilton region of the Diablo Range) under Highway 101 to access Coyote Creek in Coyote Valley and surrounding hills.

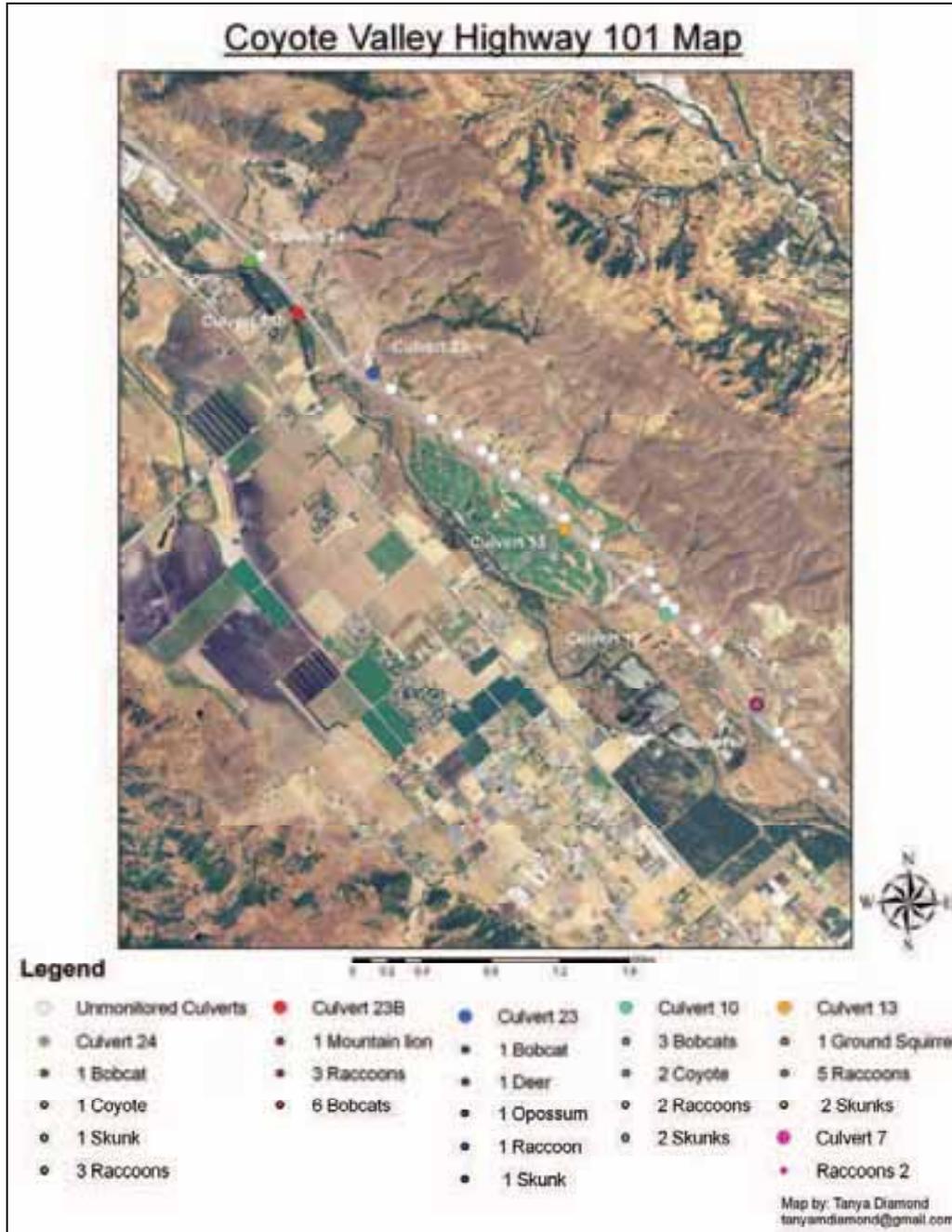


Figure 17. Coyote Valley Highway 101 Culvert Map

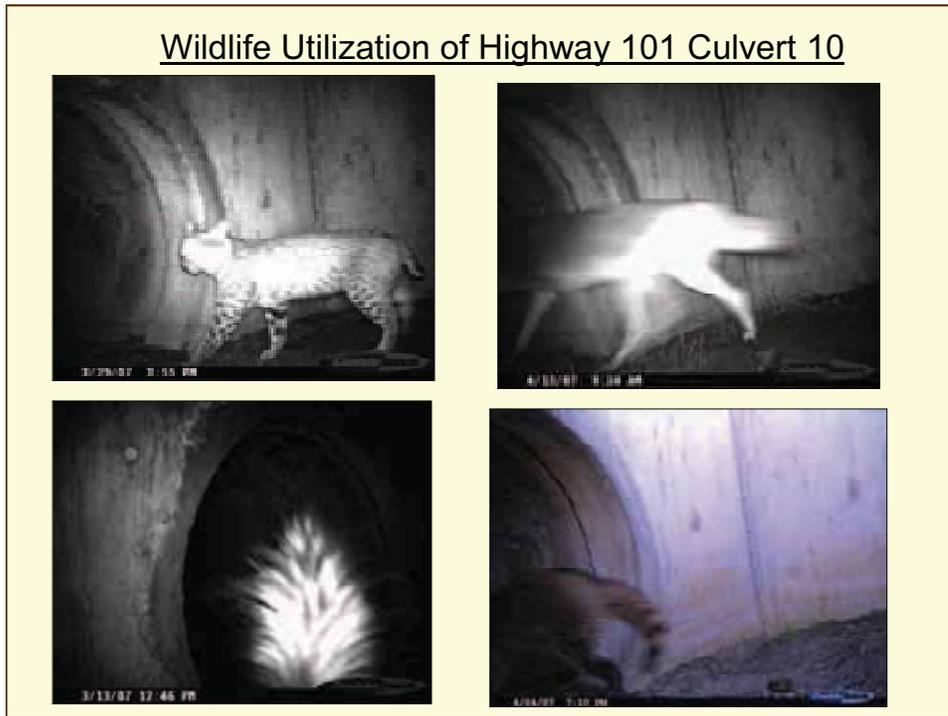


Figure 18. Multiple species use of Highway 101 Culvert 10

Figure 18 shows one culvert used by multiple species use within a one month surveillance period. During March 2007, one bobcat, coyote, raccoon, and skunk used this culvert. Next steps will include a spatial and temporal analyses of the data collected of these animals using the culvert. Currently other culverts along 101 are being monitored as well.

Fifty-four active ground squirrel burrows were recorded along a transect on Bailey Avenue (Figure 19). Each burrow was measured, recorded, and photographed (Long et al. 2008). The initial survey indicates that Coyote Valley provides critical habitat for California ground squirrels, which benefits the resident North American badgers and raptors such as the Golden Eagle.



Figure 19. Flags marking ground squirrel burrows along Bailey Avenue

The dusky -footed Woodrat, mule deer, coyote, and bobcat have been found traveling in and out of the Sobrato fields through the Fisher Creek culvert located under Bailey Avenue in the midsection of Coyote Valley (Figure 20).



Figure 20. Fisher Creek culvert at Bailey road

Two male mule deer were recorded using the Fisher Creek culvert (Figure 21) heading both east and west within a two week period. Fisher Creek is a box culvert and it is rare for deer to travel through box culverts of this dimensions (Beier, pers comm., Ruediger and DiGiorgio 2007). Five bobcats were also recorded using the same culvert (Figure 22). Fisher Creek and this culvert are critical in facilitating the safe passage of wildlife throughout the valley as it is the only riparian creek running through the midsection of Coyote Valley.



Figure 21. Fisher Creek culvert deer #1 on 6-1-08 Fisher Creek culvert deer #2 5-14-08 2:21



Figure 22. Fisher Creek culvert bobcat #2: 7-24-08 Fisher Creek culvert bobcat #5: 9-24-08

## **Individual Species Maps**

### **Mountain Lion (*Felis concolor*)**

Figure 23 shows the seven mountain lion observations collected in Coyote Valley. In March 2008, a mountain lion data point was confirmed by Santa Clara Animal Control as juvenile male, hit southbound on Highway 101. There are two culverts, culvert 23b and 24, large enough for mountain lions to move through on the south and north location of this road kill site. It is recommended that wildlife proof fencing be used to guide animals to these culvert locations. Santa Clara County Park Rangers also confirmed that a female mountain lion with a juvenile were observed July 2007 in the south end of Coyote Creek County Park near the Model Aircraft Park.

**Coyote Valley Mountain Lion map 2007-2008**



0 320 640 1,280 1,920 2,560 Meters



**Legend**

● Mountain lion

Scale: 1:38,215  
Data source: [www.geocomm.com](http://www.geocomm.com)

Map by: Wildlife Corridor Stewardship Team  
De Anza College  
contact: Julie Phillips: [phillipsjulie@fhda.edu](mailto:phillipsjulie@fhda.edu)  
Tanya Diamond: [tanyamdiamond@gmail.com](mailto:tanyamdiamond@gmail.com)

Figure 23. Mountain lion observations in Coyote Valley

**Bobcat (*Felis rufus*)**

Figure 24 shows twenty five bobcat locations recorded throughout Coyote Valley. The direction of each bobcat track was recorded, along with a photo. Many of the tracks recorded were coming in and out of agricultural fields, as well as traveling along the roads.

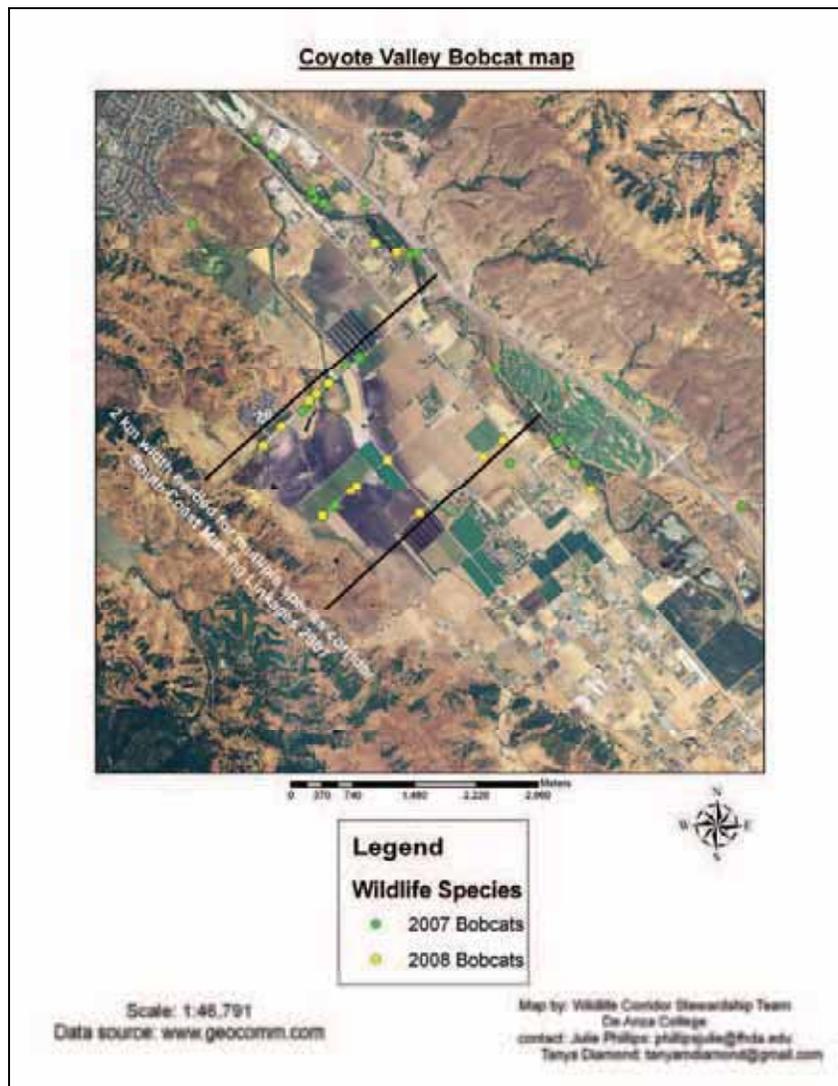


Figure 24. Bobcat observations in Coyote Valley

### Dusky-footed Woodrat (*Neotoma fuscipes*)

Seven Dusky-footed woodrat nests were located along Bailey Avenue and Santa Teresa Boulevard. The woodrat nests were located approximately 6 to 10 feet above the ground in oak trees (Figure 25). Dusky-footed woodrats typically have stick nests at the base of trees. However, they will nest in areas that are floodplains and periodically flood (Matson, J pers comm. 2008).

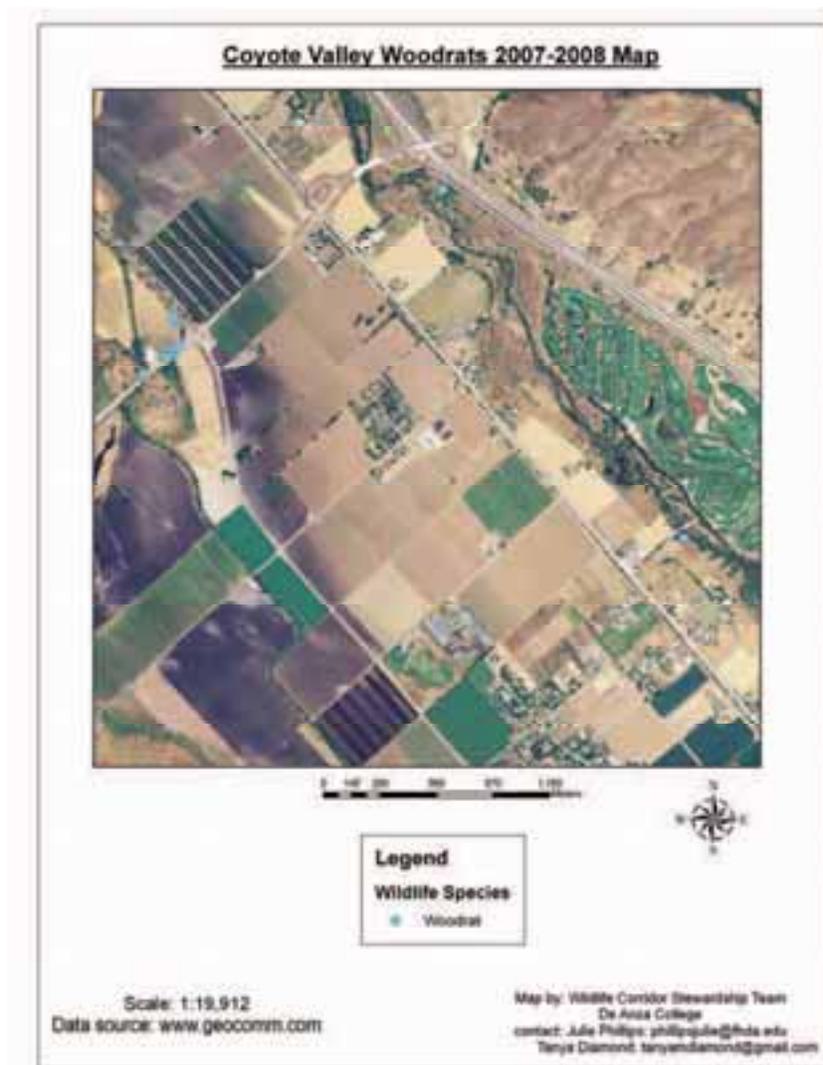


Figure 25. Coyote Valley Dusky-footed woodrat locations

## Corridor Width

Figure 24 represents the corridor identified as critical linkage, based on the high use and frequency of wildlife movement throughout the area. The corridor width, 2 km, was determined in the South Coast Missing Linkages 2007 report, which states a multi-species wildlife corridor needs to be at minimum 2 km wide (Penrod et al. 2006). The report also states, “For a variety of species, including those we did not formally model, a wide linkage helps ensure availability of appropriate habitat, host plants (e.g., for butterflies), pollinators, and areas with low predation risk. In addition, fires and floods are part of the natural disturbance regime and a wide linkage allows for a semblance of these natural disturbances to operate with minimal constraints from adjacent urban areas. A wide linkage should also enhance the ability of the biota to respond to climate change and buffer against edge effects” (Penrod et al. 2006). The current width of Coyote Valley is 1.9 km. Losing any additional habitat within the valley would result in decreased functionality of the corridor for multiple species.

Female mountain lions can have a home range of up to 20 km<sup>2</sup>. Immature individuals must disperse from their natal home range to establish their own home range (Beier 1993). This requires large amounts of habitat to facilitate dispersal of immature mountain lions, especially to avoid moving through another male’s territory (Beier 1993).

### North American badger (*Taxidea taxus taxus*)

Between 2006 and 2008, there were ten badger observations in the Coyote Valley study area (Figure 26). These observations documented different habitat use by this subspecies than previously observed in this region in the literature.



Figure 26. North American badger observations: 2006-2008

From 2006 to 2008, badgers have been documented breeding and raising cubs 500 m away from the study site on the IBM property (Figure 27).



Figure 27. Two North American badgers on IBM habitat 11 May 2008. Photo by Rick Mandel

On 29 June 2007, a road-killed badger was found on Bailey Avenue, between Monterey Highway and Santa Teresa Boulevard (Figure 28). The badger was located at the north side of Bailey Avenue, adjacent to agricultural fields by Tulare Hill Ecological Reserve. This badger was a juvenile, most likely dispersing out of a parental home range. Last year, a badger natal den was identified at Tulare Hill Ecological Preserve and on the IBM property. Other research has also documented that badgers will travel through agricultural fields (DFG Resource Assessment Program, Project Report draft 2009).

There have been three reported badger road kills along this Monterey Highway due to badgers becoming trapped along the divider (Santa Clara Vector Control, pers comm 2007).



Figure 28. North American badger on Bailey Road 6/19/07.

On 23 June 2008, a road-killed badger was found on the Bailey/Highway 101 Overpass (Figure 29).



Figure 29. North American badger road kill on Bailey/Highway 101 Overpass, 6/23/089. Photo courtesy of Angela Boyle.

On 25 August 2008, a badger was documented along Laguna Road in the agricultural fields (Figure 30). This badger was then observed retreating into a burrow in a colony of ground squirrels.



Figure 30. North American badger along Laguna Road

On 6 September 2008, a badger was found dead along Santa Teresa Road between agricultural fields (Figure 31a and 31b) and was within 500 m of the individual observed on Laguna Avenue a week prior. It was identified as a different individual than the Laguna Avenue individual based on facial markings.



Figures 31a, b. 9-6- 2008: Road killed badger along Santa Teresa Blvd. between Laguna Road and Richmond Road. Photos taken by the De Anza Wildlife Corridor Stewardship Team.

North American badgers, *Taxidea taxus taxus*, are listed as a Species of Special Concern in California. Badgers have also been listed as an indicator species for connectivity within Santa Clara County by the Santa Clara Habitat Conservation Plan.

Badgers exist in small populations but have large home ranges of up to 20km<sup>2</sup> (Quinn 2008). Badgers must be able to access other badger home ranges to find mates. It has been shown that corridors can facilitate the movement of this species through habitat patches by providing connectivity (Hilty *et al* 2006). Connectivity between habitat patches is critical to maintain genetic viability and maintain viable populations of wildlife (Noss 1987, Buza *et al* 2000). Wildlife corridors facilitate the movement for wildlife species to find mates, resources, and for juveniles to disperse out of their parental home range (Beier 1993).

Badgers are very sensitive to human development and require large grassland habitats to maintain viable populations (Crooks 2002). The habitat at IBM and Tulare Hill Ecological Preserve has been found to be a critical stepping stone for badger movement from the east to west hills as well as critical habitat for them (corridor analyses conducted by Tanya Diamond, Masters Thesis work in progress).

Badgers are also present at Santa Teresa County Park and Calero County Park. Badger corridors need to be at least 1.8 km wide, the average badger home range size from studies within the US (Sargeant & Warner 1972; Lampe & Sovada 1981; Messick & Hornocker 1981; Goodrich & Buskirk 1998, Minta 1993; Quinn current thesis work).

A habitat suitability map was created for the counties of Santa Clara, San Mateo, Santa Cruz, and Monterey (Figure 32) (Diamond, Masters Thesis work in progress). Of the four counties, Santa Clara County has the largest amount of highly suitable badger habitat

and the least amount of habitat fragmentation. Each badger observed in the Santa Clara County study was recorded in highly suitable habitat for badgers (Diamond, Masters Thesis work in progress).

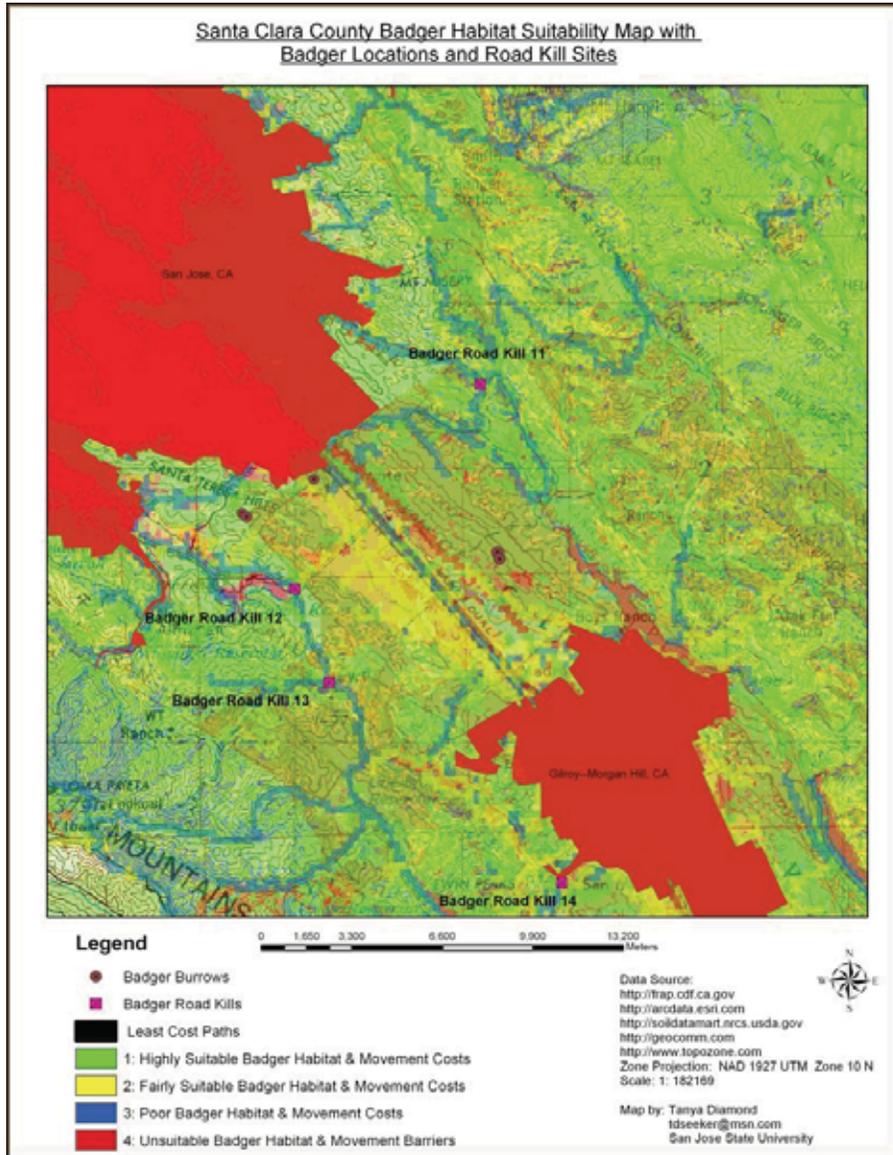


Figure 32. Santa Clara County North American badger habitat suitability map

Badgers are susceptible to road mortality from cars because they have poor vision, are nocturnal, and tend to travel by olfactory cues (Minta 1993). Several studies have shown that road mortality is a severe threat for badgers (Minta 1993, Messick and Hornocker 1981). In an Idaho badger study, 59% of 157 mortalities were due to road kill (Messick and Hornocker 1981). A British Columbia badger study stated that road mortality was highly significant; 5 out of 7 mortalities were due to road kills (Hoodicoff 1998).

High use roads and highways often bisect badger home range because roads are located in valley floors with surrounding sloping hills which funnels badgers through the valley floors (Diamond, Masters Thesis work in progress). In addition, high volume roads often have median dividers, which are hazardous because badgers tend to get trapped at medians because they are too high for badgers to cross. Any increase in traffic along the Monterey Highway will result in higher badger mortality.

Road mortality increases during the summer breeding months because of increased movement by males to locate females, tripling their home range size (Minta 1993).

Juvenile badgers also leave their natal home ranges to establish their own territory.

In fragmented landscapes, badgers must often travel across high use roads. For example at Tulare Hill Ecological Preserve, Santa Clara County, there was a natal den in the summer of 2006. Tulare Hill Ecological Reserve is large enough to support the home range of one resident badger. The hill is surrounded by high use roads. Since 2006, there have been five reported badger road kills within the immediate location of the hill (Santa Clara Animal Control, Santa Clara County Parks pers com). Monterey Highway, adjacent to Tulare Hill, has a high median, over 5 ft, which a badger could not cross over.

## Plant Results

Of the 124 plant species identified, 42 were introduced species and one was a special status species, *Cirsium fontinale* var. *campylon*, the Mount Hamilton Thistle, a candidate species for listing on the federal endangered species list typically found in seeps and drainages in Coyote Creek County Park and the adjacent base of Coyote Ridge.

**Table 6. Floral Checklist of Coyote Valley**  
(Nomenclature according to Jepson, 1993 and www.Calflora.org)

	Common Name
<b>FERNS and FERN ALLIES</b>	
<b>DENNSTAEDTIACEAE</b>	
<i>Pteridium aquilinum</i> var. <i>pubescens</i> ??	Bracken Fern
<b>FLOWERING PLANTS – DICOTS</b>	<b>Common Name</b>
<b>ADOXACEAE</b>	
<i>Sambucus mexicana</i> (Caprifoliaceae)	Blue Elderberry
<b>ANACARDIACEAE</b>	
<i>Schinus molle</i> <sup>^</sup>	Peruvian Pepper Tree
<i>Toxicodendron diversilobum</i>	Poison Oak
<b>APIACEAE</b>	
<i>Conium maculatum</i> <sup>^*</sup>	Poison-Hemlock
<i>Foeniculum vulgare</i> <sup>^*</sup>	Fennel
<i>Scandix pecten-veneris</i> <sup>A</sup>	Shepherd's Needle
<i>Torilis arvensis</i> <sup>A</sup>	Hedge-Parsley

<b>ASCLEPIADACEAE</b>	
<i>Asclepias fascicularis</i>	Narrowleaf Milkweed
<b>ASTERACEAE</b>	
<i>Achillea millefolium</i>	Yarrow
<i>Artemisia californica</i>	California Sagebrush
<i>Artemisia douglasiana</i>	California, Douglas Mugwort
<i>Baccharis pilularis</i>	Coyote Brush
<i>Baccharis salicifolia</i>	Mule Fat, Seep Willow
<i>Carduus pycnocephalus</i> <sup>A*</sup>	Italian Thistle
<i>Centaurea melitensis</i> <sup>A*</sup>	Tocolate
<i>Centaurea solstitialis</i> <sup>A*</sup>	Yellow Star Thistle
<i>Chicorium intybus</i> <sup>A</sup>	Chicory
<i>Cirsium vulgare</i> <sup>A*</sup>	Bull Thistle
<i>Cirsium fontanale ssp. fontanale</i> <sup>R</sup>	Mt. Hamilton Thistle
<i>Cyanara scolymus</i> <sup>A</sup>	Artichoke
<i>Hypochaeris glabra</i> <sup>A*</sup>	Cat's Ear
<i>Lactuca serriola</i> <sup>A*</sup>	Prickly Lettuce
<i>Microseris douglasiana</i>	Douglas' Microseris
<i>Picris echioides</i> <sup>A*</sup>	Ox-tongue
<i>Silybum marianum</i> <sup>A*</sup>	Milk Thistle
<i>Tragopogon dubius</i>	Yellow Salsify
<b>BORAGINACEAE</b>	
<i>Amsinckia sp.</i>	Rancher's Fireweed
<i>Cryptantha sp.</i>	Cryptantha
<b>BRASSICACEAE</b>	
<i>Barbarea verna</i> <sup>A</sup>	Early Winter Cress
<i>Brassica nigra</i> <sup>A*</sup>	Black Mustard
<i>Capsella bursa-pastoris</i> <sup>A</sup>	Shepherd's Purse
<i>Raphanus sativus</i> <sup>A*</sup>	Wild Radish
<i>Rorippa sp.</i>	Cress
<b>CARYOPHYLLACEAE</b>	
<i>Stellaria media</i> <sup>A</sup>	Common Chickweed
<b>CAPRIFOLIACEAE</b>	
<i>Symphoricarpos mollis</i>	Creeping Snowberry
<b>CONVOLVULACEAE</b>	
<i>Calystegia purpurata ssp. purpurata</i>	Morning Glory
<i>Convolvulus arvensis</i> <sup>A*</sup>	Field Bindweed
<b>CRASSULACEAE</b>	
<i>Crassula aquatica</i>	Pygmy Weed
<i>Dudleya sp.</i>	Canyon Liveforever
<b>CUCURBITACEAE</b>	
<i>Marah sp.</i>	Wild Cucumber
<b>DIPSACACEAE</b>	
<i>Dipsacus sp.</i> <sup>A*</sup>	Teasel
<b>EUPHORBIACEAE</b>	

<i>Eremocarpus setigerus</i>	Doveweed
<b>FABACEAE</b>	
<i>Lupinus microcarpus</i> (purple)	Annual, Miniature Lupine
<i>Medicago polymorpha</i> <sup>A*</sup>	Burclover
<i>Melilotus indica</i>	Sour Clover
<i>Thermopsis macrophylla</i> var.?	Yellow False Lupine
<i>Trifolium hirta</i>	Rose Clover
<i>Vicia sativa</i> ssp. <i>sativa</i> <sup>A</sup>	Vetch
<i>Vicia villosa</i> ssp. <i>villosa</i> <sup>A*</sup>	Hairy Vetch
<b>FAGACEAE</b>	
<i>Quercus agrifolia</i>	Coast Live Oak
<i>Quercus douglasii</i>	Blue Oak
<i>Quercus lobata</i>	Valley Oak
<b>GERANIACEAE</b>	
<i>Erodium botrys</i> <sup>A*</sup>	Long-Beaked Filaree
<i>Erodium brachycarpum</i> <sup>A*</sup>	Short-Beaked Filaree
<i>Erodium cicutarium</i> <sup>A*</sup>	Red-Stemmed Filaree
<i>Geranium dissectum</i> <sup>A*</sup>	Cut-Leaved Geranium
<b>GROSSULARACEAE</b>	
<i>Ribes</i> sp.	Gooseberry
<b>HIPPOCASTANACEAE</b>	
<i>Aesculus californica</i>	California Buckeye
<b>JUGLANDACEAE</b>	
<i>Juglans californica</i>	Northern California Black Walnut
<b>LAMIACEAE</b>	
<i>Lamium amplexicaule</i> <sup>^</sup>	Henbit
<i>Marrubium vulgare</i> <sup>^</sup>	Horehound
<i>Stachys</i> sp.	Hedge Nettle
<b>LAURACEAE</b>	
<i>Umbellularia californica</i>	California Bay Laurel
<b>MYRTACEAE</b>	
<i>Eucalytus</i> sp.	Eucalyptus
<b>ONAGRACEAE</b>	
<i>Epilobium ciliatum</i>	Common Willowherb
<b>OROBANCHACEAE</b>	
<i>Castilleja exserta</i> ssp. <i>exserta</i>	Purple Owl's Clover
<i>Orobanche fasciculata</i>	Broomrape
<b>PAPAVERACEAE</b>	
<i>Eschscholtzia californica</i>	California Poppy
<i>Platystemon californicus</i>	Cream Cups

<b>PHRYMACEAE</b>	
<i>Mimulus aurantiacus</i>	Sticky Monkeyflower
<i>Mimulus guttatus</i>	Common Monkeyflower
<b>PLANTAGINACEAE</b>	
<i>Plantago erecta</i>	Dwarf Plantain
<i>Plantago lanceolata</i> <sup>^</sup>	English Plantain
<b>PLATANACEAE</b>	
<i>Platanus racemosa</i>	California Sycamore
<b>POLEMONIACEAE</b>	
<i>Gilia tricolor</i>	Bird's-Eye Gilia
<b>POLYGONACEAE</b>	
<i>Eriogonum sp.</i>	Buckwheat
<i>Rumex acetosella</i> <sup>^*</sup>	Dock
<i>Rumex conglomerata</i> <sup>^</sup>	Dock
<i>Rumex crispus</i> <sup>^*</sup>	Dock
<b>PRIMULACEAE</b>	
<i>Anagallis arvensis</i> <sup>^</sup>	Scarlet Pimpernel
<b>RHAMNACEAE</b>	
<i>Rhamnus californica</i>	California Coffeeberry
<b>ROSACEAE</b>	
<i>Prunus sp.</i>	Domestic Fruit Tree
<i>Rosa californica</i>	California Rose
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus ursinus</i>	California Blackberry
<b>RUBIACEAE</b>	
<i>Galium porrigens</i>	Climbing Bedstraw
<b>SALICACEAE</b>	
<i>Populus fremontii</i>	Alamo or Fremont Cottonwood
<i>Salix exigua</i>	Narrow-Leaved Willow
<i>Salix laevigata</i>	Red Willow
<b>SCROPHULARIACEAE</b>	
<i>Verbascum sp.</i>	Mullein
<b>SOLANACEAE</b>	
<i>Nicotiana glauca</i> <sup>^</sup>	Tree Tobacco
<i>Solanum sp.</i>	Blue Nightshade
<b>URTICACEAE</b>	
<i>Urtica dioica</i> <sup>^</sup>	Stinging Nettle
<b>VISCACEAE</b>	
<i>Phoradendron villosum</i>	Oak Mistletoe
<b>FLOWERING PLANTS – MONOCOTS</b>	<b>Common Name</b>

<b>CYPERACEAE</b>	
<i>Eleocharis macrostachya</i>	Spikerush
<b>JUNCACEAE</b>	
<i>Juncus patens</i>	Common Rush
<b>LEMNACEAE</b>	
<i>Lemna sp</i>	Duckweed
<b>LILIACEAE</b>	
<i>Allium sp.</i>	Onion
<i>Calochortus venustus</i>	White Mariposa Lily
<i>Chlorogalum pomeridianum</i>	Common Soap Plant, Amole
<i>Dichelostemma sp.</i>	Blue Dicks
<i>Triteleia laxa</i>	Ithuriel's Spear
<b>POACEAE</b>	
<i>Aira caryophylla</i> <sup>A*</sup>	European Hairgrass
<i>Arundo donax</i>	Giant Reed
<i>Avena barbata</i> <sup>A*</sup>	Slender Wild Oat
<i>Bromus diandrus</i> <sup>A*</sup>	Ripgut Grass
<i>Bromus hordeaceus</i> <sup>A*</sup>	Soft Chess
<i>Bromus madritensis ssp. rubens</i> <sup>A</sup>	Foxtail Chess
<i>Bromus tectorum</i> <sup>A*</sup>	Cheat Grass, Downy Brome
<i>Elymus glaucus</i>	Blue Wild Rye
<i>Gastridium ventricosum</i> <sup>A</sup>	Nit Grass
<i>Hordeum brachyantherum</i>	Meadow Barley
<i>Hordeum marinum spp. gussoneanum</i> <sup>A</sup>	Mediterranean Barley
<i>Koeleria macrantha</i>	June Grass
<i>Lamarckia aurea</i> <sup>A</sup>	Golden Top
<i>Leymus triticoides</i>	Creeping Wild Rye
<i>Lolium multiflorum</i> <sup>A*</sup>	Italian Ryegrass
<i>Nasella pulchra</i>	Purple Needlegrass
<i>Phalaris aquatica</i> <sup>A*</sup>	Harding Grass
<i>Piptatherum miliaceum</i>	Smilo Grass
<i>Poa annua</i> <sup>A</sup>	Annual Blue Grass
<b>TYPHACEAE</b>	
<i>Typha sp.</i>	Cattail

**KEY**

A Introduced species.

\* Noxious weed (based on CAL-IPC)

R Rare

## Conclusion

The results in this report represent a set of baseline data for the flora and fauna throughout Coyote Valley. Coyote Valley is one of two connectivity points between the Diablo Range and the Santa Cruz Mountains, the other being through the Pajaro River Basin, and is the only linkage with a direct connection between the two. This is the first full scale study conducted in Coyote Valley with an emphasis on connectivity and the effects of Highway 101 and other roads on wildlife movement. If Coyote Valley is developed, the linkage will be lost and species in the Santa Cruz Mountains with large home ranges such as the mountain lion (*Puma concolor*) and the North American badger (*Taxidea taxus taxus*) will be genetically isolated and local extinction may occur (P. Beier pers. comm.2009, Diamond in press).

Our research demonstrates that Highway 101 through Coyote Valley is permeable to wildlife movement with two overpasses (Bailey Avenue and Metcalf Road), three underpasses (Coyote Creek, Golf Course Drive and Coyote Creek Golf Course cart path) and twenty-seven culverts.

Recommendations include the addition of directional fencing, the removal of already present fencing, restoration and enhancement of vegetation and riparian corridors, and additional crossing structures, would result in increased permeability across the landscape for wildlife across the valley floor. In addition, this would result in a reduction in the frequency and number of wildlife/human vehicle collisions.

Recommendations include culvert modifications such as removal of fencing which can be a barrier to wildlife movement. This would include more vegetation along the culverts to enhance habitat for species movement.

Recommendations include multiple new crossing structures for wildlife over Highway 101, Monterey Highway, Bailey Avenue, and Santa Teresa Boulevard. An additional crossing structure is recommended just south of Golf Course Drive and north of the Ogier Ponds, connecting Coyote Creek County Park and Coyote Ridge Ecological Reserve. This location is ideal for a crossing structure as both lands are protected and are high-use areas by wildlife.

Recommendations include modifications to the center divider on Monterey Highway at Metcalf Road and Live Oak Road to enhance wildlife movement and reduce wildlife/human vehicle collisions. The roads and highways within Coyote Valley must continue to be assessed for permeability for wildlife movement.

This annual report, including our recommendations, is a part of a long-term monitoring program at De Anza College. This research has been cited in the second administrative draft of Santa Clara County's Habitat Conservation Plan.

The De Anza College monitoring program will continue this research, including the mammal and avian surveys, through remote-sensor camera trapping, strip-line transects, variable plot point-counts, raptor nest mapping and Breeding Bird Atlas. We will conduct additional vegetation and amphibian surveys throughout Coyote Valley.

This long-term research effort will guarantee a better understanding of the Coyote Valley Landscape, including area requirements, relative density, population fluctuations, seasonality for wildlife and linkage dynamics.

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August 15, 2011

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Subject: Draft Envision San Jose 2040 General Plan PEIR, File #PP09-011 and GP2040 (6/17/11 Draft)

Mr. Davidson and City Planning Staff:

GP2040's most significant achievement is in broadening and boldly stating San Jose's definition of *sustainability* to include the primacy of fiscal and economic considerations in addition to those of our environment. Driven by eleven consecutive years of budget deficits, San Jose will now have a General Plan that charts a path to aggressive corrective action on the cost and revenue sides of its balance sheet.

Importantly, we're now requiring scheduled Major Reviews. This powerful new approach will greatly enhance our chances of success in implementing a broadly shared vision for San Jose's future by (1) keeping us focused on GP2040 achievement; (2) performing periodic comprehensive review of progress and the effectiveness of prescribed actions in attaining its goals and policies; and (3) when appropriate, making mid-course corrections to goals, policies, and actions to reflect changing needs.

**Jobs:** We know that jobs bring money to cities. GP2040's emphasis on jobs growth is our key to revenue enhancement for our city and a better life for its residents. We know that housing costs cities money. Sharing with other jurisdictions the responsibility of providing housing is our key to cost reduction. Both approaches will add to an improved bottom line for our city, enabling it to restore and, we all hope, eventually surpass the quality-of-life services San Joseans deserve and have grown to expect.

Growing jobs in San Jose will bring other benefits: more employment options and shorter commutes (fewer VMT--vehicle miles traveled) for our residents; travel time savings; reduced energy consumption and costs; less air and heat pollution; a more realistic possibility of walking, biking, and/or using public transit; and the likelihood of greater sales tax proceeds from San Joseans who will live, work, and spend here in our city.

**Housing:** Sharing the responsibility of providing housing with other jurisdictions will offer some of the same benefits to them, but it will also shift to their municipal balance sheets the negative cash flow housing represents. San Jose has too long been the bedroom community for Santa Clara County and the Bay Area. If we citizens hold our City Council to achieving them, GP2040's goals will at last bring us to parity in jobs/housing. A better and more balanced metropolitan environment will result from San Jose's broadened focus on fiscal and economic sustainability.

**Regional Obligations:** Meeting "regional housing obligations" must also be considered in this context: San Jose is struggling to correct the long-term effects of providing housing for other city's jobs. The result is a relatively poor tax base that leaves us short of revenue to even provide maintenance, let alone needed infrastructure expansion. Regional government is preparing to impose increased housing requirements on us (and reduce our jobs allocation), but has never adequately addressed our need for funding. On a per capita basis, we do not get our fair share. The results include crumbling infrastructure, perennial traffic congestion and related environmental degradation, and declining public services.

Even if regional government gave us the funding we need and deserve to build supporting infrastructure, it's clear that money alone cannot buy us out of the dire fiscal, economic, and environmental consequences of following their jobs/housing dictates. We need to stop the one-way outflow of traffic each day to jobs (and merchants) in other cities. We need to build jobs in San Jose. We need to catch up, to reach aggressively beyond parity in our J/ER goal in order to have some assurance of achieving at least one job per employed San Jose resident by 2040 This is a target we've strived for with limited success since the 70s.

GP2040 is an attempt to address these issues—we must stand resolutely in its defense and implementation.

**General Plan Impacts:** The DEIR identifies numerous significant unmitigated impacts associated with the proposed GP2040. Chief among these is a forecasted increase in traffic congestion and related noise and pollution (ref: Impacts TRANS-1, TRANS-3, TRANS-4, TRANS-5; NV-3; AQ-1, AQ-8; BIO-2; PH-1; GHG-2; C-TRANS-2; C-NV-3; C-BIO-4; and C-PH-5).

These impacts are largely related to ambitious goals for job growth, a higher than average housing growth rate, and non-conservative assumptions regarding our success in reducing VMT.

Failure to meet GP2040 job goals will worsen San Jose's fiscal condition. Failure to meet its housing goals could help fiscally, but could also negatively impact our economic growth. Transportation is a critically important factor. Unless more street and road capacity is built and more people walk, bike, and/or use public transit, our plans are doomed; failure to increase capacity or drastically reduce VMT will make matters worse fiscally, economically, and environmentally. As is admitted in the PEIR (ref: pg. 19), rigorous pursuit of VMT reduction could become a substantial disincentive to job growth in our city. Careful monitoring and mid-course correction will be needed.

**A Preferred Alternative:** Owing to its reduced scale, the *Scenario 1: Low Growth Alternative*, is shown in subject PEIR to be "environmentally superior to the proposed" GP2040 (ref: pg. 22). It reduces the number of new jobs and dwelling units, but achieves a very desirable Jobs/Employed Resident (J/ER) ratio of 1.2; a level that is consistent with the basic objectives of GP2040. Its total number of housing units and rate of development is closer to our ten-year average production, a more reasonable target (especially since each unit represents a net cost to our city).

Except for the *No Project* alternative, Scenario 1's year 2035 VMT is lowest among those studied (ref: Table 8.5-1). There is no good reason why "villages" and all other GP2040 concepts couldn't be incorporated.

*Scenario 1* would result in greatly improved economic and fiscal sustainability with less uncertainty and less risk of environmental damage. As such, it is the most desirable alternative and should be given serious consideration for adoption by our Planning Department and the San Jose City Council.

**Periodic Review:** If at any point a scheduled Major, Annual, Horizon, or any other public review discloses that we are not meeting GP2040 goals, mid-course corrective action must be undertaken. This could mean one or a combination of changes to the extent of stated goals, to transportation policies, to job or housing targets, or to the timeline for build-out. What should never be allowed is degradation of public services or our quality of life in San Jose.

Continued growth of our city makes sense only if it gets measurably better as growth occurs. Fiscal, economic, and environmental *improvement* is what San Joseans desire; it's an implicit assumption in GP2040.

**Coordinate Growth with Certainty of Supporting Infrastructure:** Development must not be allowed to proceed until plans are approved and related funding is secured for near-term supporting infrastructure and urban services. This strategic alignment is essential to end our history of prolonged lag time between the occurrence of growth and the completion of mitigation needed to maintain an acceptable quality of life.

\* \* \* \* \*

The following comments refer to cited pages in the 6/17/11 Draft Plan:

Page 1-73 (and page 7-14, IP-5.1.3) Village Boundaries and Land Uses: This discussion must include consideration of interface issues relating to existing adjacent uses, especially residential neighborhoods. There needs to be assurance that these Villages will not result in adverse impacts on levels of service for existing residents. (Again, continued growth of our city makes sense only if it gets measurably better as growth occurs.)

Page 2-2 (third paragraph): Creativity also drives/thrives in high tech and businesses, not just in arts and entertainment—high tech creativity is what our *Silicon Valley* area is best known for!

Page 2-16, FS-2.8, Cultivate Fiscal Resources: Add: "Encourage our residents to buy in San Jose and implement plans to make it easier and more attractive to do so."

Page 2-21: Add a Goal FS-7 that addresses fiscal sustainability in transportation, a focus that (like transportation itself) is vital to success in growing our economy while supporting our quality of life. We have serious prob-

lems in transportation funding today; our General Plan should acknowledge and set a cautious course toward solution of this problem, gauging progress and making mid-course corrections whenever needed.

Page 4-50, 6-55 (TN-2.3, TN-2.4) and elsewhere: Trails must be designed with appropriate consideration for the privacy and security of adjacent homes and businesses. Police and emergency vehicle access is important.

Page 5-27: Virtually all San Jose streets are already “complete”. Although some do not have designated bike lanes, it’s a credit to our city that they all accommodate walking, biking, driving, and public transit.

Pages 5-27, 5-28, 6-37: Where will the money come from to provide/maintain the amenities described for Grand Boulevards and Main Streets? Although it would be very desirable to have such facilities, it’s important to note that, a couple of years ago, our city imposed a tear-out policy for city street landscaping; unless citizens volunteer or are willing to pay an assessment for ongoing maintenance, landscaping is removed. We have an enormous city-wide backlog in street pavement repair. Because we’re constantly told there is no money to fix what we already have, grandiose plans for Grand Boulevards and Main Streets seem, at best, overly optimistic.

Page 6-14, LU-9.14: Concentrations of residential care and service facilities, etc. in a given neighborhood or area of our city should be discouraged.

Page 6-15, LU-10.3: Is there any statistically valid evidence that high density residential and mixed uses built near transit facilities encourages its use? After decades of emphasis on public transit in our city and county, has any survey of those who live in such facilities demonstrated that their use of public transit is greater than that of the public as a whole? If this is an anecdotal supposition, we must proceed with caution in much of what is proposed in this General Plan.

Page 6-35, 6-45, 6-48 Transportation Policies: How will the stated goals for VMT reduction, parking limitations, etc. impact San Jose’s chances for economic development in a fiercely competitive local, regional, statewide, national, and international market for employers and employees? What happens if we pursue those goals and they don’t produce the desired results—or—if they succeed at the expense of our dreams for economic and fiscal sustainability? Will we make appropriate mid-course corrections at Major GP reviews? If so, this should be clearly stated.

Page 6-37, TR-1.17: Cost-reduction (as well as new revenue sources) must be included as a focus in funding transportation maintenance. Reducing VMT, improving automobile fuel efficiency, and high oil prices will continue to aggravate maintenance funding deficiencies.

Page 6-43, TR-5.3 Vehicular Traffic Mitigation Measures: Add the word “denial” in the opening statement, “Review development proposals for their impacts on the level of service and require denial or appropriate mitigation if development of the project has the potential to reduce the level of service to “E” or worse.” That was the intention of our original transportation level of service policy in the ‘70s; if it had been followed, we would have far fewer transportation and related environmental/quality of life problems today.

Page 6-43, TR-5.3 Small Projects: Prohibit breaking large parcels into “small projects” in order to gain exemption from traffic analysis.

Page 6-44 (top): Are newly added “Corridors and Villages, Transit Station Areas” being included in “Special Strategy Areas” where intersections are “protected” from mitigation requirements? If so, this important fact should be made clear in sections describing Corridors and Villages, and Transit Station Areas. What will the impact be on traffic congestion in adjacent neighborhoods?

Page 6-46, TR-8: Can parking strategy implementation requirements be made permanent (irrevocable) so that, in 2040, our city streets won’t be cluttered with double-parked cars as they are in San Francisco?

Page 6-47, TR-8.12: Are we really advocating the conversion of open space/recreation areas into formal parking if strategies in TR-8 don’t work? A more careful approach must be taken to avoid this possibility. Appropriate mid-course corrections must be made at Major GP reviews if TR-8 goals are falling short, threatening space/recreation areas or thwarting economic development.

Pages 6-48, 49, 50 Reduction of VMT: Can incentives be offered to employers instead of just requirements?  
Why is VMT reduction their job? What incentive will they have to come to or stay in San Jose if faced with these requirements?

Unless and until federal, state and/or local law is changed, transportation is primarily funded by fuel taxes. Fuel taxes are per gallon; the number of gallons used depends on vehicle miles traveled. So, transportation money declines as VMT is reduced. This is aggravated by very desirable increases in automotive fuel efficiency and the advent of electric vehicles. Currently proposed as an alternative to fuel taxes, the efficacy of VMT taxes, unless draconian, would be threatened if VMT is reduced. How will we pay for transportation repairs, improvements, maintenance, and (especially) amenities?

How will we grow our economy without supporting, high quality transportation? Transit is still a relatively poorly developed alternative in San Jose—and struggling against the prospect of further service cut-backs. If transportation costs are significantly increased here, how will less affluent people be able to live/work and get around—will they be forced out of their automobiles?

Deficiency in transportation funding is not a problem San Jose can solve on its own. Any attempt to would put us at a serious competitive disadvantage. We can be careful, though, not to make matters worse—and must participate proactively in finding solutions.

A cautious approach must be taken to avoid this possibility. Appropriate mid-course corrections must be made at Major GP reviews if VMT and other transportation goals are not on track to success or if they're threatening economic development, fiscal sustainability, environmental/quality of life degradation, and social equity.

Page 7-13, IP-5.1.1 Urban Village Planning: There is too much focus here on typically low-paying retail jobs. Can Villages be encouraged (by zoning or other means) to include higher-paying industrial/commercial employers? Our General Plan must strive to achieve our city's and our residents' economic and fiscal sustainability.

Page 7-14, IP-5.1.7 Financing: Village planning must prioritize its net benefit to our city's fiscal sustainability.

Thank you for considering my comments.

Sincerely yours,



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August 15, 2011

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Dear Mr. Davidson,

The De Anza College's Wildlife Corridor Technician (WCT) Program would like to express its appreciation of how its research has been used in the San Jose General Plan 2040, Draft Program Environmental Impact Report (PEIR). The WCT Program has been studying wildlife movement in Coyote Valley since 2007. Through field observations, camera traps, transects, and other research methods, the WCT Program has identified Mid-Coyote Valley to be the optimal wildlife corridor linking the Diablo Range and Santa Cruz Mountains habitat together. Here, we define Mid-Coyote Valley as the area bounded by US 101 Freeway to the east, Bailey Avenue to the north, Palm Avenue to the south, and Calero County Park and Santa Teresa Hills to the west. Prior to this research, no other in-depth multi-species study of this landscape has been conducted.

Since our 2008 Annual Report, the WCT Program has only gained a deeper understanding of the diversity of birds and mammals living and crossing through Coyote Valley. As a result of our latest findings, the WCT Program requests the following changes to be made to Table 3.5-3, "Special-Status Animal Species Known to Occur within the City Limits," on pages 436-445 of the Draft PEIR underneath "Occurrence":

- California red-legged frog (*Rana draytonii*): In addition to already noted occurrence, they have been spotted at the west side of US 101 Freeway in Coyote Valley.
- Bald Eagle (*Haliaeetus leucocephalus*): In addition to already noted occurrence, known active nests are present at Coyote Lake, Anderson Reservoir, and Calaveras Reservoir. They are found throughout the year in Coyote Valley, but are rare and not breeding.
- Golden Eagle (*Aquila chrysaetos*): In addition to already noted occurrence, they are observed year round in Coyote Valley.



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- Loggerhead shrike (*Lanus ludovicianus*): In addition to already noted occurrence, they are a fairly common breeder in Coyote Valley's agricultural lands.
- Yellow warbler (*Dendroica petechia*): They are a fairly common breeder along Coyote Creek throughout Coyote Valley.
- San Francisco common yellowthroat (*Geothlypis trichas sinuos*): In addition to already noted occurrence, they are common year-round in Coyote Valley along Coyote Creek
- Yellow-breasted chat (*Icteria virens*): They are rare along Coyote Creek in Coyote Valley during the spring months, but have not been observed breeding.
- Tricolored blackbird (*Agelaius tricolor*): In addition to already noted occurrence, a breeding colony has been observed in Coyote Valley, as well as hundreds of individuals foraging throughout Coyote Valley during the fall through early summer.
- San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*): In addition to already noted occurrence, they are abundant throughout Coyote Valley with numerous nests occurring along Coyote Creek .
- American badger (*Taxidea taxus*): In addition to already noted occurrence, they occur in the agricultural fields of Coyote Valley. Numerous road-killed badgers have been observed on US 101 Freeway through Coyote Valley.
- Ringtail (*Bassariscus astutus*): There have been reports of Ringtail in Coyote Valley.

The WCT Program would also like to note that on page 436 for the California condor (*Gymnogyps californianus*), in addition of the already mentioned occurrence, there is a record of the condor from San Martin just south of Coyote Valley and also at Lick Observatory in 2011.

Furthermore, as a result of our latest findings, the WCT Program requests the following change to be made to Table 3.5-2, "Special-Status Plant Species Known to Occur within the City Limits," on page 432 of the Draft PEIR underneath "Occurrence":

- Mt. Hamilton Thistle (*Cirsium fontinale* var. *campylon*\*): In addition to the already noted occurrence, this species has been observed at the east and west sides of US 101 Freeway in Coyote Valley.



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Lastly, the WCT Program would like to comment that the wildlife in Coyote Valley is not as constrained by developments and US 101 Freeway as the PEIR describes it to be. On page 424 underneath "Wildlife Movement in Coyote Valley," the PEIR states, "Now the area which once certainly served as an easy, short-distance crossing for wildlife to move between the Mt. Hamilton Range and the Santa Cruz Mountains is constrained by these [agriculture, golf course, and US 101 Freeway] developments..." The WCT Program's research since 2007 has shown that mammals frequently use US 101 Freeway crossing structures and can freely move through the valley. As a result, the WCT Program requests the PEIR to not label these developments as constraining Coyote Valley, though enhancements should be made to reduce road kill and increase connectivity.

The De Anza College's WCT Program deeply thanks the City of San Jose for considering and incorporating the Program's research of wildlife movement in Coyote Valley into its environmental impact review process. It is our goal that the City of San Jose will be a leading example of environmental sustainability in the year 2040, protecting critical open spaces such as the Coyote Valley wildlife corridor for current and future generation. We offer our services and we look forward to working with the implementation team in the future. Thank you for your consideration of these comments.

Sincerely,

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**RE: Greenbelt Alliance comment letter on the Draft Program Environmental Impact Report for Envision San Jose 2040 General Plan**

Dear Mr. Crabtree,

Thank you for allowing Greenbelt Alliance the opportunity to comment on the Draft Program Environmental Impact Report (EIR) for the Envision San Jose 2040 General Plan. Greenbelt Alliance has had the pleasure of sitting on the General Plan Task Force for nearly four years and looks forward to a visionary document being adopted by the San Jose City Council this fall. We intend to support this document as it is implemented and what follows are our suggestions for how to make it even stronger. Also, we very much appreciate the two week extension on comments.

Envision 2040 has many great goals, policies and actions that will set San Jose on a course to a more sustainable, equitable future. A focus on urban villages, infill development, and a multi-modal approach to mobility makes this plan a model. Taking the urban reserves off the table for development and recognizing Coyote Valley as a wildlife corridor are steps in the right direction as it allows San Jose to reinvest in existing neighborhoods and ensure valuable infrastructure dollars are being used to make what is already built even better.

As Public Health Law and Policy stated in their memo,

*“The draft Plan represents one of the strongest land use policy statements on healthy communities that we are aware of in California to-date...” and “Overall, the current draft does an excellent job of identifying clear and specific goals, policies, and objectives. Adopting a plan with such a clear and specific policy framework will go far to ensure that San Jose’s vision for a healthy community becomes a reality.”*

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Greenbelt Alliance wants this vision to become a reality. The draft EIR is the community's chance to see what the environmental impacts of the proposed plan will be and where the opportunities lie to ensure that policies are consistent and the intended outcomes are reached. Many environmental impacts also impact a community's health and well-being. And many of our comments below relate to the air quality impacts of increased vehicle miles traveled (VMT). While it is a significant sea change to move away from an auto-centric land use pattern to one that favors others modes of travel, and while this may be difficult to implement at times, the benefits that accrue back to residents and the City as a whole are worth that effort.

Thank you for taking the time to review our comments.

### **Jobs-Housing Balance**

In an attempt to reverse the current situation of having more employed residents than jobs, San Jose is planning for a significant increase in jobs over the next three decades. Factoring in the number of planned new homes, San Jose is proposing a 1.3 jobs to 1 employed resident ratio. Whether or not this ratio is reached over the life of the General Plan, specific uses, like jobs, are proposed for specific areas, like North Coyote Valley. The Bay Area is a jobs-rich region, while affordable housing continues to be elusive, especially in Silicon Valley. By pursuing far more jobs than homes, San Jose is actually exacerbating a regional problem. More people will be commuting in to San Jose for work.

San Jose is at the crossroads of a plethora of transportation options, such as multiple freeways, a multi-modal transit hub at Diridon Station, extensive bus and light rail lines and the future extension of BART, High Speed Rail and Bus Rapid Transit. Since people are more likely to ride transit to get to work, one would hope this would be the preferred mode of travel for those who would be commuting into San Jose for work. However, as noted in the Draft EIR, *"The percentage of jobs within walking distance of rail stations and the top 15 bus routes would, however, decline compared to existing conditions."*

The Draft EIR goes on to state that the plan proposes to place a substantial number of jobs at locations where major transit is not currently proposed nor planned. These job locations include New Edenvale and North Coyote Valley. In its quest to attract any and all jobs, San Jose may gladly allow North Coyote Valley to build out with jobs. Considering North Coyote Valley's location, most people employed at this site would drive and the environmental impact, as highlighted in the Draft EIR, is that Envision 2040 will generate a significant increase in traffic.

Greenbelt Alliance suggests the following mitigations to offset this significant impact:

1. **Backload North Coyote Valley and other transit-poor future employment lands until all infill areas near transit are exhausted first.** North San Jose, Downtown and Diridon Station are all expected to absorb job growth and these areas make sense as they all benefit from multiple transportation options. According to Public Policy Institute of California's report, *Driving Change*, *"High employment densities appear to boost transit ridership (and therefore reduce VMT) ...in part because it is relatively easy to drive or bike from home to a transit stop or station but not as easy to drive or bike from a transit station or stop to their workplace."* **Boosting employment densities at transit-rich locations first before accommodating jobs in places like North Coyote Valley achieves a greater reduction in VMT** which helps reduce greenhouse gas emissions and other air quality impacts.

2. Encourage high density homes to be located on employment lands such as North Coyote Valley. By clustering a mix of homes, jobs and shops at these locations, it allows people to live closer to where they work which cuts down on commuting by car.
3. Pursue more aggressive transportation policies that support a shift to walking, cycling and riding transit.

Additionally, the draft EIR seems to take lightly the potential for displacement from future growth especially around transit. A recent study out of the Dukakis Center for Urban and Regional Policy, *Maintaining Diversity in America's Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change*, found that, "While patterns of neighborhood change vary, the most predominant pattern is one in which housing becomes more expensive, neighborhood residents become wealthier and vehicle ownership becomes more common." The report goes on to state that "People of color, low-income households and renters...are disproportionately likely to live in households without vehicles....and are all more likely to use transit than the average American. These three groups represent the majority of what we refer to as core transit riders."

It is very likely that an influx of new infill development near transit in San Jose will drive up prices and lead to voluntary displacement as people move to find more affordable homes. These more affordable homes may be further afield, in communities like Los Banos or Tracy, which in turn forces people to commute back to the community in which they may work. It is therefore critical that San Jose has strong affordable housing policies. San Jose has an excellent record in building affordable homes and Greenbelt Alliance recognizes that the future is uncertain when it comes to building more homes affordable to a range of incomes. That said, Envision 2040 is planning for the next three decades and the economy will go through many cycles. Greenbelt Alliance asserts that displacement is a significant impact and suggests the following mitigations:

4. Ensure that strong protections are in place to preserve affordable housing stock in transit zones, especially Diridon Station which will provide local and regional connections, ensuring access to opportunity.
5. **As massive planning efforts move forward, such as Diridon Station, ensure that the affordable housing requirements are met on site and not elsewhere in the City.**
6. If San Jose's Inclusionary Zoning Ordinance does not support rental units, consider a Commercial Linkage fee as a way for new jobs to support the workers who will fill those jobs.

According to Working Partnerships' report, *Life in the Valley Economy 2010*, "Approximately 31.6% of all Silicon Valley workers are paid \$15/hour or less." Additionally, a July 2011 article in the *Wall Street Journal* stated that, "Rent levels rose fastest in San Jose, CA. to \$1,501." (*attachment 1*)

## **Transportation**

Envision 2040 has very ambitious mode split goals, proposing that the percentage of trips made by bicycle will increase from 1.2% in 2008 to at least 15% in 2040 while the number of those driving alone will decrease from 78% to no more than 40%. San Jose should be applauded for pursuing these goals and Greenbelt Alliance enthusiastically supports these mode splits as well

as the 40% reduction in VMT over the life of the Plan. However, very aggressive policies and land use patterns will be needed to achieve these targets. Planning for a sustainable, equitable future is one thing. Implementing the goals to get San Jose to that future is another. Envision 2040 is the roadmap to show residents, developers, elected officials and advocates what needs to happen to get us to this future. Achieving these goals will have numerous benefits to San Jose's residents, including improved health as a result of more trips being made on foot or by bike and less by car.

However, at the moment, the Draft EIR states that *“With the projected increase in vehicle miles traveled, beyond or above the growth in population and employment, impacts associated with increased emissions of criteria pollutants would remain significant and unavoidable.”*

Greenbelt Alliance challenges the notion that this is unavoidable. The location of future employment lands coupled with expanding vehicle capacity on roadways creates a situation that necessitates driving and makes it as easy as possible. This endorsement to increase automobile capacity through road supply generates induced demand for more drivers on the road and is working directly against the City's goals of reducing automobile emissions. On page 244-245 of the draft EIR, the number of multimodal streets is 12. The number of streets with expanded capacity is 27. Over twice as many streets will add vehicle capacity than will decrease it.

Greenbelt Alliance notes some discrepancies between the tables on page 244-245 and Figure 3.2-5 on page 240. There appears to be more streets designated for downsizing on the map than appear on the multimodal table. The map of Proposed Network Changes in Figure 3.2-5 should more closely reflect the street segments listed in Table 3.2-10 to ensure there is no conflict of Protected Intersection development with Expanded Roadway Capacity. Also, why is the Alameda's future downsizing not reflected in the map and table?

Figure 3.2-5 on page 240 shows which streets will be increased and which decreased by one or more lanes per direction. Zanker Road in the North San Jose area will be widened. This area has eleven light rail stations and is proposed to add a strong mix of homes, jobs and shops. Widening Zanker does not support transit-oriented development in North San Jose. Autumn Street just east of Diridon Station is planned to be widened from two lanes to four lanes. Diridon Station is one of the most transit-rich stations in the Bay Area; expanding roadways through it (and adjacent to the Guadalupe River and Los Gatos Creek trails) does not support transit-oriented development at Diridon Station. A new four lane road will open up Almaden Ranch just south of Branham Lane; an area proposed for auto-centric regional retail uses. The above actions encourage driving and discourage cycling and walking.

Figure 3.2-6 on page 249 shows all the protected intersections in San Jose. A comparison of this map to the one on page 240 highlights how policies can be inconsistent: A protected intersection and a roadway expansion occur in the same vicinity of West San Carlos and Meridian. While the protected intersection policy is a good one, using it sparingly does not achieve the mode split targets San Jose is striving for.

Table 3.2-14 on page 270 shows that with the proposed Envision 2040 General Plan policies, the percent mode share increase in bicycle trips is 1% for a total of 2% of all trips made by bike. This is evidence that stronger, more holistic bicycle measures are necessary.

Greenbelt Alliance is concerned that the Plan's emphasis on more jobs than homes and significant roadway expansions will negate the balanced transportation goals of Envision 2040. San Jose is moving in the right direction, but this is a 30-year plan. In the next three decades the

effects of climate change, an aging population, a new economy and rising healthcare, energy and food costs will be very apparent. Now is the time for San Jose to prepare residents for these changes and Envision 2040 is the blueprint. More must be done to make a shift away from auto-dependence.

Greenbelt Alliance has the following questions and suggested mitigations:

1. Will the Protected Intersection Policy be applied citywide to support multimodal development? **San Jose should make the Protected Intersections approach the rule.** Currently, the City uses this policy as spot zoning. Specifically:
  - Every intersection in Planned and Identified Growth Areas should be allowed to exceed automobile Level of Service D, and
  - Every project in Planned and Identified Growth Areas should construct improvements to the city's non-auto transportation system, rather than expand road capacity at a given intersection, regardless of the current LOS at that intersection (e.g. even intersections that currently operate at LOS A, B, or C should not be expanded if a new project will cause their LOS to deteriorate).
2. Consider adopting the Multi-Modal Level of Service approach to traffic analysis that provides a comprehensive perspective on the interactions of Automobiles, Bicycles, Pedestrians and Transit and the condition the City's transportation network. Improved evaluation of the speed, convenience, comfort and security of transportation facilities as experienced by users can better inform the City on success and challenges to delivering a suite of attractive public and physically active transportation options. This works towards achieving reduced emissions targets from pervasive automobile use and promoting the health of San Jose residents by encouraging more walking and cycling.
3. **Does San Jose's Travel Demand Forecasting (TDF) model take into consideration rising gas prices and the cost of parking?** Mode choice is the third step in the modeling process, where a determination is made about which transport mode a person will choose for each trip. If a wide street currently has no bike lanes or sharrows, will this lead to a determination that the mode choice in this instance or location is a car, therefore leading to a travel demand forecast of more driving? Can San Jose's TDF model include inputs for foreseeable changes on the horizon, such as \$5/gallon for gas or parking lots being redeveloped as townhomes? The TDF model must account for the viability of free parking. These issues influence travel behavior and residents will be better served in the future if roadway improvements today focused on walking, cycling and supporting transit.
4. **Create Parking Benefit Districts throughout the City, especially in urban villages and near transit stations.** Charge performance based prices for curb parking and return the revenue to the neighborhood to pay for improvements, such as graffiti removal, streetscape improvements and landscaping. Making the true cost of parking more apparent will influence travel behavior. This in turn will affect the TDF model which could forecast a preference for other travel modes. As a result, funding decisions in favor of walking and cycling would be made. An increase in protected intersections combined with a program to manage parking assets supports a safer, more accessible and attractive pedestrian and bicycle realm.

5. Add Action TR 8.10 as one to be achieved under Tier 1 Reduction of Vehicle Miles Traveled Policies and Actions. Plentiful, free parking skews travel choices in favor of the car. **Progressive parking policies must be considered as a way to achieve a 10%-40% reduction in VMT over the next three decades.** The California Air Pollution Control Officers Association (CAPCOA) prepared the report, *Model Policies for Greenhouse Gases in General Plans*. They suggest and Greenbelt Alliance echoes the following policies as a way to reduce the greenhouse gas emissions from cars and trucks:

5.1.1 Reduce the available parking spaces for private vehicles while increasing parking spaces for shared vehicles, bicycles, and other alternative modes of transportation;

5.1.4 Use parking pricing to discourage private vehicle use, especially at peak times;

5.1.6 Establish performance pricing of street parking, so that it is expensive enough to promote frequent turnover and keep 15 percent of spaces empty at all times;

**TR-5.3 Parking “Cash-out” Program:** The City/County will require new office developments with more than 50 employees to offer a Parking “Cash-out” Program to discourage private vehicle use.

An increase in VMT leads to an increase in greenhouse gas emissions. It also leads to significant health impacts. A recent study out of Canada found that cyclists had heart irregularities in the hours after their exposure to a variety of air pollutants on busy roads. *"Our findings suggest that short-term exposure to traffic may have a significant impact on cardiac autonomic function in healthy adults,"* the scientists from Health Canada, Environment Canada and the University of Ottawa wrote in the journal *Environmental Health Perspectives*. If San Jose is proposing to add capacity to roadways, then the health impacts to cyclists and pedestrians exposed to vehicles must be considered.

Greenbelt Alliance suggests the following policy:

6. **Provide grade separated bicycle lanes where overlap occurs with high auto trip roadways.** A study of bike lanes in Portland, Ore., showed that lanes separated by planters actually decreased cyclists' air pollution exposure. The following comes from the Bay Area Air Quality Management District's Community Air Risk Evaluation Program:

*"In the Bay Area, diesel particulate matter (PM) accounts for about 80% of the cancer risk from airborne toxics....Diesel PM consists of primarily fine particles. In addition to the toxic effects of diesel PM, all fine particulate matter also aggravates heart and respiratory disease, including asthma. Major sources of diesel PM include on-road and off-road heavy duty diesel trucks and construction equipment. The highest diesel PM emissions occur in the urban core areas of eastern San Francisco, western Alameda, and northwestern Santa Clara counties."*

The map on page 370 shows areas of San Jose that are in the top 25% Quartile of toxic air contaminants (TAC) exposure.

Greenbelt Alliance suggests the following policy changes and would like to echo the suggested changes made by the American Lung Association of California in their letter:

7. **Policy TR-8.6** ~~Allow~~ **Require** reduced parking requirements for mixed-use developments and for developments providing shared parking....
8. **Action TR-10.1** ~~Explore development of a program for implementation as part of Tier II,~~ **Develop policy** to require that parking spaces within new development in areas adjacent to transit and in all mixed-use projects be unbundled from rent or sale of the dwelling unit or building square footage.
9. **Action TR-10.3** ~~Encourage participation~~ **Facilitate** car sharing programs ~~for new development in identified growth areas.~~ **throughout the city.**
10. **TR-1.8** Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emissions standards are met. **Prioritize investments in bicycle and pedestrian facilities in low-income communities, which are less likely to have access to a private automobile, and thus more likely to be dependent on walking and bicycling for transportation.**
11. Greenbelt Alliance also sees opportunities to **enhance the bicycle network by connecting remaining gaps in Primary Bikeways to encourage a complete network (attachment 2):**

#1-Leigh Ave

- o Connect Leigh Ave to Los Gatos Creek bikeway

#2-Santa Theresa Blvd

- o Connect Santa Theresa Blvd at Coleman Rd

#3-Ocala Rd

- o Connect S. King Ave to E. Capitol Expy

#4-Hedding Rd

- o Connect Berryessa Rd to Guadalupe River bikeway
- o Connect to N. Winchester Blvd

#5-Lawrence Expy

- o Expand south down Quito Rd

#6-N. Winchester

- o Connect Williams Rd along N Winchester
- o Connect to Homestead Rd to Lafayette St to De La Cruz Blvd/Coleman Ave bikeway

#7-N. Capitol Ave

- o Connect between Coyote Creek Trail and Penitencia Creek Trail

It should be noted that on page 807, the DEIR finds that, *“the City’s projected 2035 GHG emissions, without further reductions, would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon-efficiency standard necessary to maintain a trajectory to meet statewide 2050 goals as established by Executive Order S- 3-05.”* Executive Order S-3-05 establishes a target that by 2050, greenhouse gas emissions are reduced to 80% below 1990 levels. This is considered a significant impact and can be attributed to excess in-commuters from increased job production.

## Open Space

Envision 2040 intends to preserve a permanent greenbelt of open space and natural habitat along the city's edges. The City proposes no development in either urban reserve over the life of the General Plan and recognizes wildlife movement in Coyote Valley. San Jose must be commended for focusing on infill development to accommodate projected growth as a way to protect surrounding open spaces. These open spaces range from Prime Farmland to scenic hillsides to wildlife and creek corridors. These are natural assets San Jose already has that contribute to residents' high quality of life.

While the Coyote Valley Urban Reserve is off limits to development over the life of Envision 2040, North Coyote Valley is slated for future jobs at any time. The DEIR notes that the loss of Prime Farmland is a significant unavoidable impact, since *"the protection of other existing farmland, such as through the use of agricultural easements or outright purchase, would not be considered mitigation under CEQA because the net result of such actions would still be a net loss of farmland acreage."* There are approximately 957 acres of Prime Farmland in North Coyote Valley.

The DEIR discusses agricultural conservation easements as an implementation tool to protect farmland. Several times, the DEIR refers to mitigation for farmland that is not planned for urbanization in the timeframe of Envision 2040 and that lands that are planned for urban development, like North Coyote Valley, have been designated for urban uses within the City's Urban Growth Boundary for many years. A number of North Coyote Valley properties have existing entitlements that are due to expire. What is unclear is whether development in North Coyote Valley will trigger an agricultural mitigation program where Prime Farmland elsewhere in San Jose or South Santa Clara County will be protected. Will this be considered when existing entitlements expire? While North Coyote Valley is already annexed into San Jose and does not need to go through LAFCO's agricultural mitigation program, the loss of Prime Farmland is a significant impact that must still be mitigated.

Additionally, while Envision 2040 recognizes that wildlife passes through Coyote Valley, it fails to find the development of North Coyote Valley as a significant impact. There is some discussion on page 474 that recognizes that,

*"Future development and infrastructure improvements allowed under the General Plan would make it more difficult for mammals to move across Coyote Valley in a west-east or east-west direction. This would be a result of new development on both sides of Bailey Avenue from the west side of Coyote Valley east to Monterey Road, increased traffic from new development in North Coyote Valley, and widening of Santa Teresa Boulevard on either side of the Fisher Creek crossing."*

It goes on to say that,

*"The importance of the landscape linkage across northern Coyote Valley in supporting regional populations of animals has been recognized within the last 10 years, as documented in the draft HCP/NCCP. Even though development allowed under the General Plan will not completely eliminate wildlife movement across Coyote Valley, new impediments to successful dispersal across the valley, including development allowed by this General Plan, could result in a substantial impact to regional wildlife movements in the vicinity of Bailey Road."*

However, with various mitigations in place, the DEIR finds this to be a less than significant impact.

A series of draft maps from Science and Collaboration for Connected Wildlands shows Coyote Valley, and in particular North Coyote Valley, as the preferred route for wildlife crossings. Mountain lions, bobcats, badgers and more cross between the Santa Cruz Mountains and Mount Hamilton Range. (*attachment 3,4*)

One of the projects of Science and Collaboration for Connected Wildlands is the Bay Area Critical Linkages. In March 2009, a task force was convened to:

*“explore the need and feasibility of identifying and protecting critical linkages within the San Francisco Bay Area eco-region and connections to adjacent eco-regions. The task force identified several proposed linkage planning areas that could be irretrievably compromised by development projects in the next decade unless immediate conservation actions occur. The Critical Linkages project will fine tune the (Bay Area Open Space Council’s) Upland Habitat Goals conservation lands network to insure functional habitat connectivity at a regional scale. This large wildland network will serve as the backbone of a regional conservation strategy.”*

Additionally, De Anza College’s Wildlife Corridor Technician Program finds that North Coyote Valley is a significant component to the Coyote Valley wildlife corridor, with Mid Coyote Valley being the primary corridor. Internationally recognized conservation biologists and corridor experts Dr. Reed Noss and Dr. Paul Beier recommend wildlife corridors to be at least 2 kilometers wide, on average, and state, *“In our opinion, protecting and restoring functional wildlife movement corridors between the Diablo Range and Santa Cruz Mountains is a high priority locally, regionally, and statewide.”* (*attachment 5*)

North Coyote Valley is a critical piece in this larger vision of wildlife connectivity and habitat, and development of this site will be a significant impact that the DEIR fails to recognize. In fact, Policy ER-7.7, *“Include barriers to animal movement within new development and, when possible, within existing development, to prevent movement of animals (e.g., pets and wildlife) between developed areas and natural habitat areas where such barriers will help to protect sensitive species”* has good intentions, but could create a barrier to wildlife movement through North Coyote Valley.

Greenbelt Alliance has the following questions and suggests the following mitigations and changes to Envision 2040:

1. **Adopt a citywide agricultural mitigation policy** for Prime Farmland that is slated for urban development. This can be used to protect Prime Farmland in other parts of Coyote Valley.
2. **Why is Santa Teresa Boulevard being widened in Coyote Valley?** This seems like a costly and unnecessary infrastructure improvement that does not support wildlife crossing nor a reduction in VMT.
3. Include Policy IN-1.11, *“Locate and design utilities to avoid or minimize impacts to environmentally sensitive areas and habitats”* as mitigation for impacts to wildlife movement in Coyote Valley as discussed on page 477 of the DEIR. Facilities in North Coyote Valley should incorporate habitat design that facilitates the movement of wildlife along the east-west corridor, especially along the urban reserve’s northern border.

4. Add ER-8.5 which states: *Identify and protect critical linkages in the Coyote Valley floor, especially in Mid Coyote Valley, as the Coyote Valley Critical Linkages for Wildlife.*
5. **Encourage the acquisition and protection of key parcels in North, Mid and South Coyote Valley to maintain connectivity.**

For lands outside the UGB, it is important that they remain as undeveloped open space. There was some discussion at the Task Force that uses such as cemeteries and golf courses will be needed. Lands outside the UGB play an important role as natural infrastructure, cleaning our air and water. While technically ‘open’, golf courses can be extremely harmful on the environment and are definitely a form of development. To that end, we recommend the following change:

6. Strengthen Policy LU-19.10, which seeks to preserve the non-urban character of lands outside the Urban Growth Boundary, as follows: “e) *For non-agricultural land uses, disturb no more than 10% of the total site area through grading, changes to vegetation or other development activity.*”

## **Conclusion**

Greenbelt Alliance very much appreciates being a part of the Envision San Jose 2040 process and believes this to be a model General Plan in many ways, including how it touches on the health benefits of increased walking and cycling and access to healthy foods, parks and trails. Our above comments, questions and suggestions reflect our desire to strengthen this Plan even more so it may be touted across the State as a landmark document. Greenbelt Alliance is also committed to ensuring this Plan is implemented according to the community’s vision for a sustainable, equitable and healthy San Jose. San Jose has already demonstrated leadership on many fronts and we believe the City can become a regional and statewide leader on sustainable land use. We recognize that this will not be easy, and look forward to finding ways to support San Jose on this journey.

Sincerely,



Michele Beasley  
Senior Field Representative

# Rents Rise, Vacancies Go Down

By **WESLEY LOWERY**

Apartment landlords are enjoying rising rents and falling vacancies.

The average effective rent, the amount paid after discounting, was \$997 in the second quarter of the year, up from \$974 a year earlier, according to a report scheduled for release Thursday by [Reis Inc.](#), which tracks leasing data for 82 markets. Second-quarter rents rose in all but two markets.

Rent levels rose fastest in San Jose, Calif., to \$1,501 in the second quarter. The average effective rent in San Francisco was \$1,806; Wichita, Kan., \$495, and New York, \$2,826.

Vacancies, meanwhile, fell in 72 of the 82 markets during the second-quarter vacancy rate to 6%, the lowest since 2008 and compared with 7.8% a year earlier, according to Reis. Vacancies declined fastest in Charleston, W.Va., Greensboro/Winston-Salem, N.C., and Richmond, Va.

"Rising rents and falling vacancies are the perfect situation for landlords," said Rich Anderson, an analyst for BMO Capital Markets. "It's like drinking without the hangover."

But there were some cautious signs in the data. Landlords filled a net 33,000 units in the second quarter, a slowdown from the 45,000 units they filled in the first quarter. That was somewhat surprising because typically, the net "absorption" rate falls faster during the summer as college graduates leave campus and descend on cities in search of jobs. Some analysts said the slower absorption rate could be linked to slower job growth, although it is too soon to know for sure. The peak apartment renting season runs from May to September.

"When you're going from big numbers and getting gradually smaller it's tough to determine if things are in fact cooling," says Haendel St. Juste, an analyst at Keefe, Bruyette & Woods.

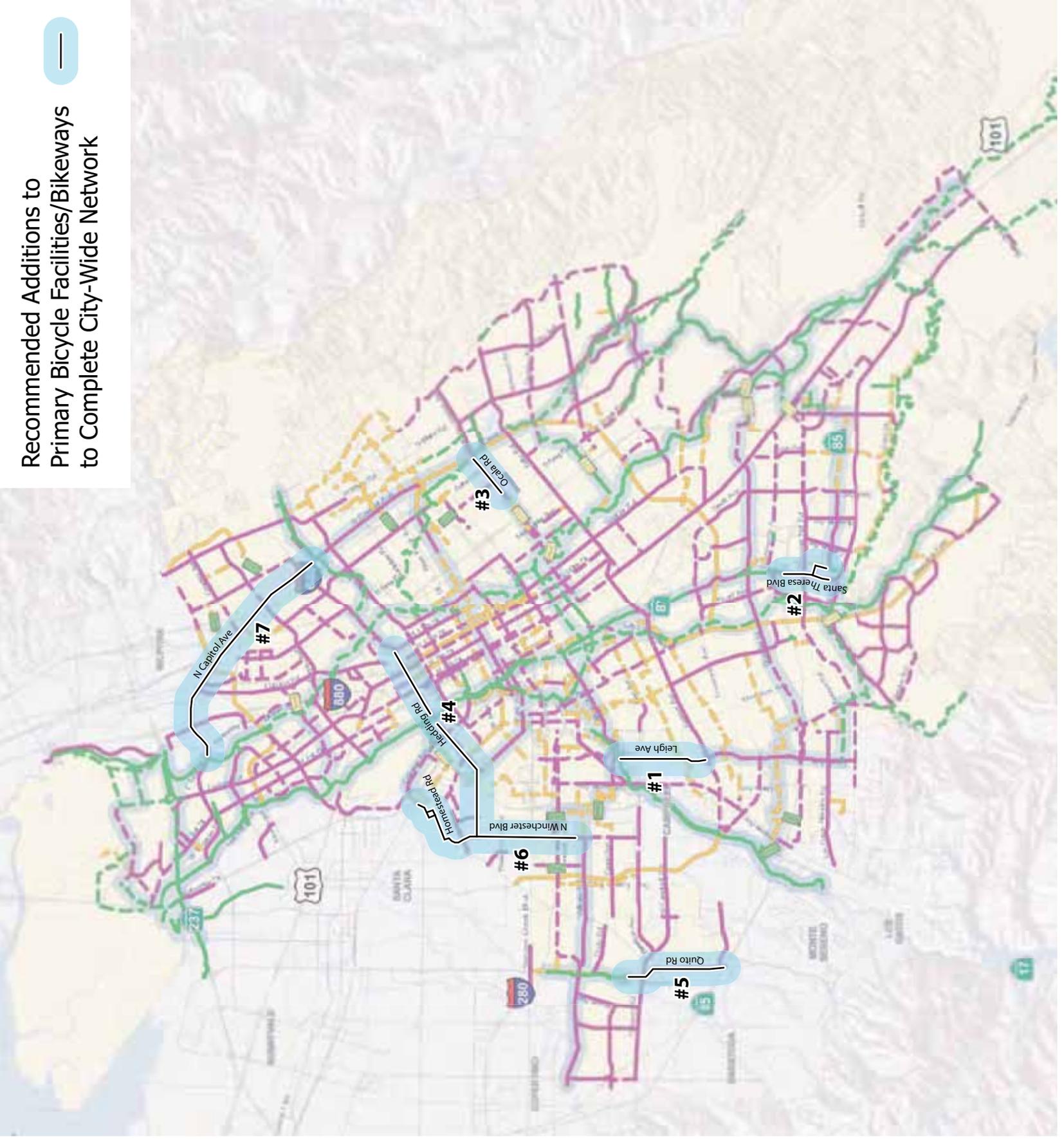
Meanwhile, supply remains constrained. Roughly 8,700 new apartment units opened during the second quarter, the second-lowest quarterly tally for new completions since Reis began collecting data in 1999.

But there is new construction in the pipeline. The CoStar Group, a Washington, D.C.-based real-estate research firm, expects about 22,500 units to be added this year, followed by 94,600 in 2012 and more than 109,000 in 2013.

But as long as employers keep adding jobs to the economy, analysts say, they expect vacancy rates to keep falling and rents to keep rising. "Barring some unexpected shock from the global economy, we expect the recovery to continue through 2011," Reis wrote in the report.

"Vacancies should continue to decline while rents rise at an even faster pace than we observed in the first half of the year."

Recommended Additions to  
Primary Bicycle Facilities/Bikeways  
to Complete City-Wide Network



FUTURE BICYCLE AND PEDESTRIAN FACILITIES

FIGURE 3.2-9





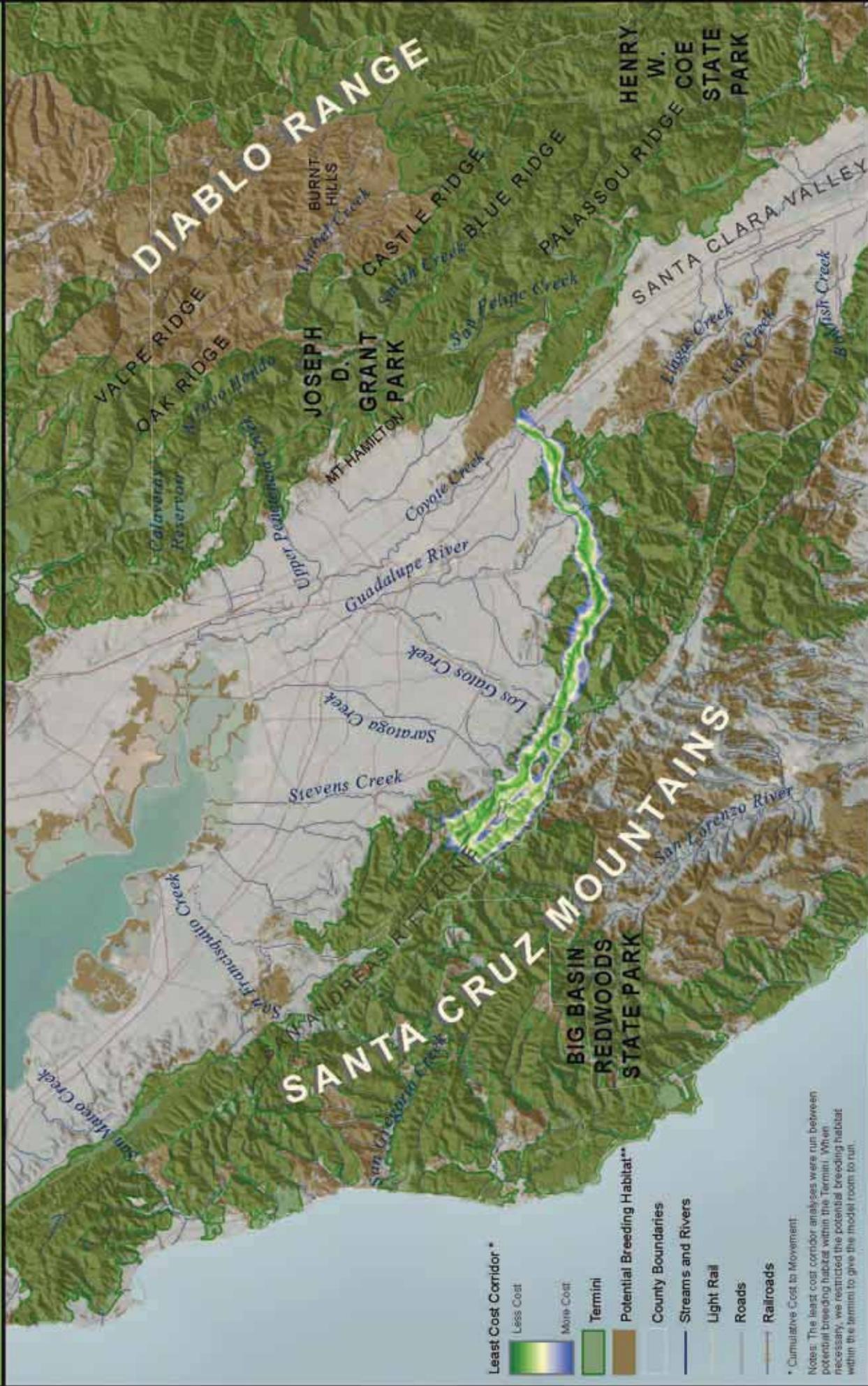
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In Partnership with  
 the San Francisco  
 Upland Habitat  
 Goals Project



# Bay Area Critical Linkages

DRAFT Bobcat Corridor for Santa Cruz to Mt. Hamilton Linkage  
(*Lynx rufus*)



- Least Cost Corridor\***
  - Less Cost
  - More Cost
- Termini**
- Potential Breeding Habitat\*\***
- County Boundaries**
- Streams and Rivers**
- Light Rail**
- Roads**
- Railroads**

\* Cumulative Cost to Movement.  
 Notes: The least cost corridor analyses were run between potential breeding habitat within the Termini. When necessary, we restricted the potential breeding habitat within the termini to give the model room to run.



In Partnership with the San Francisco Upland Habitat Goals Project



1:400,000

Map Produced by SC Wildlands



# Bay Area Critical Linkages

## DRAFT Blacktailed Deer Corridor for Santa Cruz to Mt. Hamilton Linkage (*Odocoileus hemionus columbianus*)



- Least Cost Corridor\***
  - Less Cost
  - More Cost
- Termini**
- Potential Breeding Habitat\*\***
- County Boundaries**
- Streams and Rivers**
- Light Rail**
- Roads**
- Railroads**

\* Cumulative Cost to Movement.  
 Notes: The least cost corridor analyses were run between potential breeding habitat within the Termini. When necessary, we restricted the potential breeding habitat within the termini to give the model room to run.



1:400,000

In Partnership with the San Francisco Upland Habitat Goals Project

# Bay Area Critical Linkages

DRAFT California Quail Corridor for Santa Cruz to Mt. Hamilton Linkage  
(*Callipepla californica*)



- Least Cost Corridor\***
  - Less Cost
  - More Cost
- Termini**
- Potential Breeding Habitat\*\***
- County Boundaries**
- Streams and Rivers**
- Light Rail**
- Roads**
- Railroads**

\* Cumulative Cost to Movement.  
Notes: The least cost corridor analyses were run between potential breeding habitat within the Termini. When necessary, we restricted the potential breeding habitat within the termini to give the model room to run.

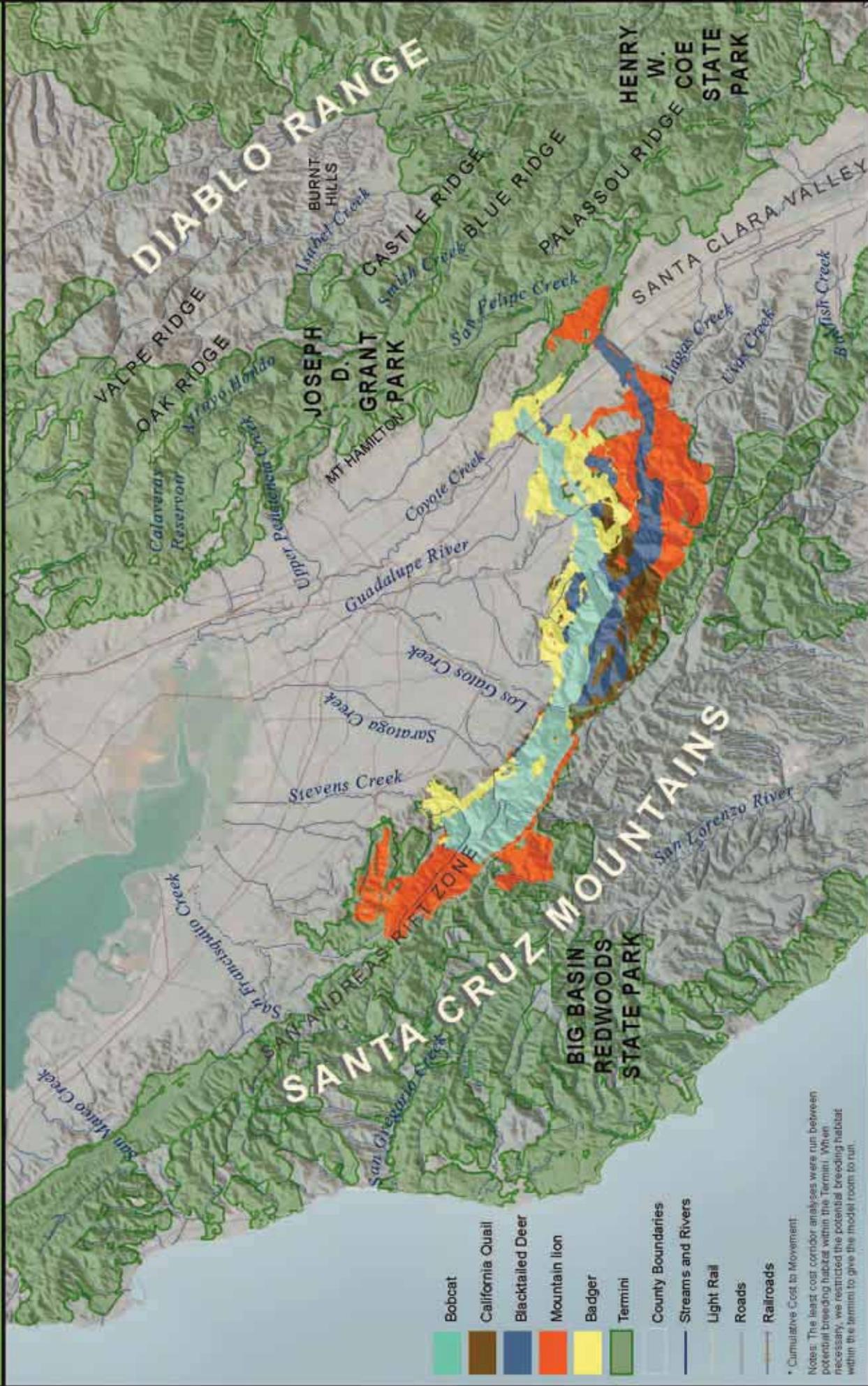


In Partnership with the San Francisco Upland Habitat Goals Project



# Bay Area Critical Linkages

DRAFT Least Cost Corridors for Santa Cruz to Mt. Hamilton Linkage with Species Overlap



- Bobcat
- California Quail
- Blacktailed Deer
- Mountain lion
- Badger
- Termini
- County Boundaries
- Streams and Rivers
- Light Rail
- Roads
- Railroads

\* Cumulative Cost to Movement  
 Notes: The least cost corridor analyses were run between potential breeding habitat within the Termini. When necessary, we restricted the potential breeding habitat within the Termini to give the model room to run.

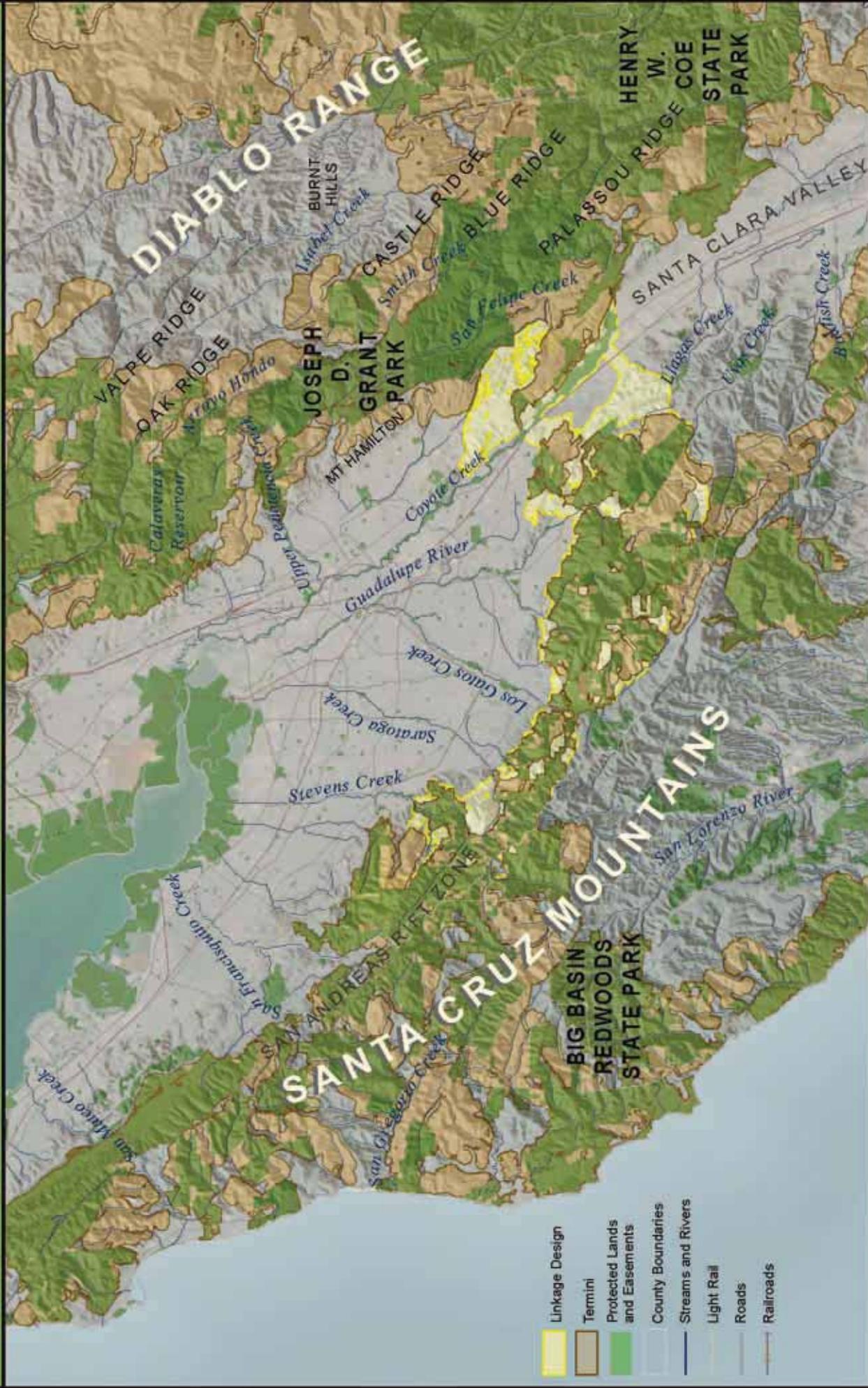


In Partnership with the San Francisco Upland Habitat Goals Project



1:400,000

Map Produced by SC Wildlands



- Linkage Design
- Termin
- Protected Lands and Easements
- County Boundaries
- Streams and Rivers
- Light Rail
- Roads
- Railroads



In Partnership with  
the San Francisco  
Upland Habitat  
Goals Project



1:400,000

December 20, 2008

To whom it may concern:

We, Paul Beier and Reed Noss, are writing to endorse the efforts of the faculty and students in the Environmental Studies Department of De Anza College to delineate and protect a viable wildlife corridor across Coyote Valley in Santa Clara County, California. We were asked by the Environmental Studies faculty to provide an independent review of their wildlife research in Coyote Valley and to evaluate their proposal for a linkage (or linkages) across the valley to connect the Diablo Range with the Santa Cruz Mountains. We were invited to provide our advice because we are known internationally as experts in wildlife corridors and conservation planning, we have conducted wildlife research in California, and we have been involved as independent science advisors for numerous HCPs/NCCPs and other conservation efforts in this state.

In our opinion, protecting and restoring functional wildlife movement corridors between the Diablo Range and Santa Cruz Mountains is a high priority locally, regionally, and statewide. The Coyote Valley provides the best opportunity to connect these two high-biodiversity ranges and also has inherent value as wildlife habitat, especially for raptors. The Santa Cruz and Diablo ranges are important core areas for wide-ranging wildlife in the Central Coast region of California, including black-tailed deer, tule elk, mountain lion, bobcat, coyote, badger, and (in the case of the Diablo Range), pronghorn, and other species (such as reptiles and amphibians) yet to be studied here. Importantly, if connectivity for wildlife is lost due to development, roads, and other habitat fragmentation in Coyote Valley, the Santa Cruz Mountains will become functionally isolated from other wildland core areas. Species with large area requirements, especially the mountain lion, will not be able to maintain viable populations within the Santa Cruz Mountains, if they are isolated. Sooner or later, the mountain lion population is highly likely to go extinct unless rescued by connectivity to other large wildlands. The potential to conserve or restore a connection between the Santa Cruz Mountains and the Gabilan Range does not remove the urgent need to conserve this connection between the Diablo Range and the Santa Cruz Mountains.

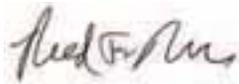
The primary corridor across Coyote Valley identified by the Environmental Studies faculty and students is, in our opinion, the optimal corridor. Please see the attached map. We recommend that this corridor be at least 2 km wide, on average, and that choke points (especially culverts under highways) need to be replaced by wide structures (underpasses and/or land bridges) that are designed specifically for the focal species studied here. An early draft of the HCP/NCCP, under the assumption that Coyote Valley would be converted to urban use, identified Metcalf Canyon as the best feasible corridor. However, Metcalf Canyon suffers from being inherently narrow and having night lighting and noise, which restrict wildlife movement. In our opinion, the proposed Metcalf Canyon corridor is unlikely to serve the movement needs of animals, but the proposed Coyote Valley corridor is likely to do so.

We are impressed that, compared to other linkages that we have evaluated within urbanizing landscapes in California and elsewhere, the Coyote Valley corridor is highly feasible. Although buying land, securing conservation easements, restoring a portion of agricultural land to native vegetation, and constructing proper wildlife crossings under or above roads will be expensive, it will not be exorbitant compared to many other conservation projects. By protecting this crucial linkage, the public is protecting its investments in conservation areas in the Santa Cruz and Diablo ranges, because without connectivity, the wildlife in these ranges will decline and some species will very likely be lost.

In conclusion, we recommend that the Santa Clara Valley HCP/NCCP planning process take full advantage of the data collected by the Environmental Studies Department at De Anza College. Furthermore, we suggest that the HCP/NCCP consultants enlist the Environmental Studies Department to help conduct further research on the wildlife of this area and delineate wildlife corridors. The HCP/NCCP could be the key to protecting and restoring the Coyote Valley and other important areas for biodiversity within the planning area.

Please do not hesitate to contact us if you have any questions about our evaluation of this area.

Sincerely,

A handwritten signature in black ink, appearing to read "Reed F. Noss".

Reed F. Noss, Ph.D.  
Davis-Shine Professor of Conservation Biology  
University of Central Florida

Paul Beier, Ph.D.  
Professor of Conservation Biology and Wildlife Ecology  
Northern Arizona University



COMMITTEE FOR  
GREEN FOOTHILLS



August 15, 2011

Mr. Andrew Crabtree, Envision Team Leader  
Planning, Building and Code Enforcement  
San Jose City Hall  
200 East Santa Clara Street  
San Jose, CA 95113

Dear Mr. Crabtree,

On behalf of Greenbelt Alliance, the Loma-Prieta Chapter of the Sierra Club, San Jose Cool Cities, Silicon Valley Leadership Group, Committee for Green Foothills, Working Partnerships, USA, and The Health Trust, we are writing to thank the City of San Jose for this opportunity to comment on the Draft Program Environmental Impact Report (DEIR) for the Envision San Jose 2040 General Plan.

In many ways, this General Plan is a model that focuses on urban villages and corridors, infill development near transit, ambitious mode split targets and improved public health. Our comments below reflect our desire to strengthen Envision 2040 even more and support San Jose on its path to becoming a more sustainable, equitable and healthier City.

### **Jobs-Housing Ratio**

The environmental review acknowledges that significant environmental impacts result from the possibility of a Jobs to Employed Residents Ratio that exceeds 1:1 (see, e.g., Impact PH-1 and Impact TRANS-1, among others). The City has acknowledged that one reason for these impacts is not that it intends and prefers the highest possible J:ER ratio, but that it seeks to maximize the jobs capacity to increase the current J:ER ratio which is significantly below 1:1.

Accordingly, our organizations jointly recommend an additional mitigation: for purposes of avoiding environmental impacts or delaying environmental impacts, the City should require orderly development that prioritizes a J:ER ratio of 1:1 as long as housing is available to match job growth. We recognize that ultimately job growth could exceed housing capacity, but this

mitigation would at least postpone the impacts associated with the excess of jobs over housing, and postponing the impacts are feasible means of partially reducing their scale.

As a result of pursuing a J:ER ratio of 1.3:1, more people will be commuting into San Jose for work, exacerbating a regional housing problem. This combined with the fact that the DEIR shows a decrease in the percentage of jobs within walking distance of transit has a significant impact on Vehicle Miles Traveled (VMT).

Additionally, San Jose proposes to expand vehicle capacity on a number of roadways which makes driving more convenient, inducing demand for more drivers on the road. This works directly against the City's goals of reducing automobile emissions.

Our organizations jointly recommend mitigation that prioritizes transit friendly job development and thereby provides limits on development in areas that do not have transit. Such prioritization of development in transit friendly areas over areas that do not have transit yet have agricultural value, such as Coyote Valley, also functions as mitigation that reduces the impacts on open space and prime farmland by reducing the pressure for immediate development of those areas.

The Jobs to Employed Resident ratios in the environmental review, for the highest ratios at least, are not intended results so much as foreseeable impacts described in the document. The environmental protections described in the document, by contrast, are expressly intended and planned. We urge the City to reaffirm these environmental protections and we will work to assist and ensure that the City is able to fulfill its commitment to put these policies in place.

## **Housing**

We applaud the plan for establishing social equity as a planning goal including promoting quality job opportunities and an equitable park system. However, more can be done to support the plan's guiding principle of social equity.

The DEIR seems to treat lightly the potential for voluntary displacement as a result of new development at transit stations driving up prices. People will move further afield to places like Tracy in search of more affordable homes. This in turn forces people to commute back to the community in which they may work. It is therefore critical that San Jose has strong affordable housing policies. San Jose has an excellent record in building affordable homes and we recognize that the future is uncertain when it comes to building more homes affordable to a range of incomes. That said, Envision 2040 is planning out to the year 2040 and the economy will go through many cycles.

We jointly recommend that strong protections are in place to preserve the existing affordable housing stock in transit zones, which provides people with access to opportunity. We also recommend that as large planning projects move forward, such as Diridon Station, that the affordable housing requirements are met on site, including for rental affordable housing.

## **Transportation**

Envision 2040 has very ambitious mode split goals, proposing that the percentage of trips made by bicycle will increase from 1.2% in 2008 to at least 15% in 2040 while the number of those driving alone will decrease from 78% to no more than 40%. San Jose should be applauded for pursuing these goals. However, Table 3.2-14 on page 270 shows that with the proposed Envision 2040 General Plan policies, the percent mode share increase in bicycle trips is 1% for a total of 2% of all trips made by bike. This is evidence that stronger, more holistic balanced transportation policies are necessary. As such, we support policies that prioritize walking, cycling and riding transit.

Our organizations recommend pursuing more aggressive complete streets and parking policies as a way to achieve the commendable and ambitious mode split targets, including a 40% reduction in VMT. This includes expanding the Protected Intersections Policy to all Planned and Identified Growth Areas and reducing the number of streets slated for expansion. Also, we encourage the consideration of Parking Benefits Districts that establish performance pricing of street parking and then return the revenues to the neighborhood.

## **Public Health**

We commend San Jose for its leadership in including community health as a major theme in the draft General Plan. Recognizing the growing body of evidence showing the link between land use patterns and health outcomes, this plan lays out a strong commitment to promoting community health as San Jose grows over the next 30 years. In particular, the Plan's emphasis on improving access to healthy food in low-income neighborhoods and access to medical services is thoughtful and visionary and can serve as a model for other communities looking to address health challenges as they grow.

We appreciate Envision 2040's support for the development of a Community Risk Reduction Plan that will reduce air pollution exposures in communities located near busy roadways and industrial sources and inclusion of specific health-protective mitigation measures for development in those areas.

The General Plan is an opportunity to build healthy, livable complete neighborhoods, communities that intentionally support the well-being of all ages, strengthen families and enable seniors to remain in their homes as they age with independence, dignity and the ability to remain engaged in their community.

We support the village concept that is the cornerstone of the draft General Plan. We strongly encourage the Task Force to include language in the General Plan that prioritizes development of village plans for low-income neighborhoods, oftentimes those with the greatest need for increased access to walkable communities, safe streets, physical activity opportunities, and healthy food.

Additionally, we also support policies to review and revise diesel truck routes to minimize exposure of harmful diesel exhaust to sensitive receptors, including children and the elderly.

## Open Space

For lands outside the Urban Growth Boundary (UGB), it is important that they remain as undeveloped open space. Lands outside the UGB play an important role as natural infrastructure, cleaning our air and water.

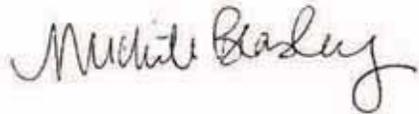
For non-agricultural uses, our organizations support minimal disturbance to lands located outside the UGB so as to preserve the rural nature of this greenbelt and to provide a viable wildlife corridor.

## Conclusion

Overall, the Envision San Jose 2040 General Plan update has set exceptional economic, environmental, and social equity goals for the City of San Jose thanks to the hard work of dedicated task force members and city staff. We hope decision makers honor this hard work as they implement the General Plan over the next 10-20 years.

San Jose can be a better city tomorrow and the General Plan sets the framework to do so. Once the plan is passed, our organizations will support the City in its implementation. Thank you for the opportunity to make public comment.

Sincerely,



Michele Beasley  
Senior Field Representative  
Greenbelt Alliance



Charles Schafer  
Chair, Executive Committee  
Sierra Club Loma Prieta Chapter



Frederick J Ferrer, M.S.  
Chief Executive Officer  
The Health Trust



Shiloh Ballard  
Vice President, Housing & Community Development  
Silicon Valley Leadership Group



Brian Darrow  
Associate Director of Land Use and Urban Policy  
Working Partnerships, USA



Brian Schmidt  
Legislative Advocate  
Committee for Green Foothills



Erica Stanojevic  
San Jose Cool Cities



August 15, 2011

John Davidson  
Department of Planning, Building, & Code Enforcement  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

RE: Comments on the Draft Environmental Impact Report

Dear Mr. Davidson and Members of the General Plan Task Force:

On behalf of The Health Trust, a Silicon Valley nonprofit foundation committed to advancing wellness, I am writing to provide feedback on the draft EIR, and commend the City for its efforts to make the City of San Jose a healthy city for all through the City's General Plan.

We have actively monitored a number of General Plan processes in Santa Clara County, and San Jose presents the strongest policy language in support of healthy communities that we are aware of in the area. As Public Health Law and Policy wrote in its submitted memo following the release of the draft General plan:

*"The draft Plan represents one of the strongest land use policy statements on healthy communities that we are aware of in California to-date..." and "Overall, the current draft does an excellent job of identifying clear and specific goals, policies, and objectives. Adopting a plan with such a clear and specific policy framework will go far to ensure that San Jose's vision for a healthy community becomes a reality."*

Following the release of the draft plan, we recognize that the City reviewed and integrated many of the policy changes suggested by The Health Trust and our partners to further strengthen the plan's commitment to increasing access to healthy food resources and provide opportunities to be physically active.

As the Planning Department and Taskforce is reviewing comments on the draft Environmental Impact Report and drafting the final plan to be submitted to the Council, we would like to reiterate The Health Trust's priority for inclusion of the strongest health policies possible. It is important that the General Plan continues to call for increased access to healthy foods, walkable and bikeable communities, transit-oriented development, and improved access to parks, trails and open space.

In order to move toward a healthier city and region, the Taskforce must continue to:

1. **Commit to a broad perspective on health and healthy communities as a guiding principle** throughout the various elements of the Plan. Incorporating health language reinforces the community's commitment to considering and ultimately improving health outcomes in all decisions made.
2. **Ensure the plan's healthy community goals are supported by specific policies and implementation/ action items.** Overall, the current draft does an excellent job of identifying clear and specific goals, policies, and objectives. Adopting a plan with such a clear and specific policy framework will go far to ensure that San Jose's vision for a healthy community becomes a reality.

On behalf of my staff and all our community partners, I would like to thank you again for your continued efforts, and we applaud your work on an exemplary draft Plan. If you would like further details of any of the information provided in this letter please do not hesitate to contact Rachel Poplack, Director of Healthy Living at (408) 961-9897.

Yours in health,

A handwritten signature in black ink, reading "Frederick J. Ferrer". The signature is fluid and cursive, with the first name "Frederick" and last name "Ferrer" clearly legible.

Frederick J. Ferrer  
CEO

Cc: General Plan Task Force Members

**Davidson, John**

---

**From:** junmyra@aol.com  
**Sent:** Monday, August 15, 2011 1:28 PM  
**To:** Davidson, John  
**Subject:** File No. PP09-011 / Re-zoning of Rancho del Pueblo Golf Course

Dear Mr. Davidson:

My wife and I and our children have been residents of the California Fairways Community. Although our home is not necessarily situated in a good location, we are proud of owning one in this community because of the Rancho del Pueblo Golf Course. This golf course has given our property value at one point when the economy was at its best. It has not only given us financial value, it has given us the value of peace. However, when we learned that there is a proposal to re-zone the golf course, we were sad, shocked and fearful. We felt these emotions for the following reasons:

The current value of our property is already very low. With the building of the proposed 570 residential units, its value will be reduced even more.

Not only will this make the area more crowded, more population will result to more crimes. How can this be handled when we already have reduced number in the police force? More people means the need for, not only more police officers, but teachers and fire fighters as well, and schools and parks, of which we do not believe the City has a budget for.

We are also concerned that the new units will accept investors and low-income residents.

Traffic, air and noise pollutions will increase.

In light of the above, we are requesting that you reconsider the proposal. Please think of the more negative effects it will have, more importantly, on the quality of not just of the lives of our own children, but of all the children in the neighborhood. They need to grow up in an environment that will be able to nurture and foster them.

Thank you.

Sincerely,

J. and M. Opulencia

August 15, 2011

To: City of San Jose Envision 2040 General Plan EIR Staff

From: John Urban,  
Newhall neighborhood

Subject: City of San Jose Envision 2040 General Plan EIR

Hello,

Below are comments related to the City of San Jose Envision 2040 General Plan EIR.

CD-3.9 page 4-13 Quality of Life

Minimize driveway entrances to enhance pedestrian safety and decrease the area of paved surfaces. Encourage shared vehicular access points that serve multiple uses and/or parcels, including shared access for commercial and residential uses. Avoid driveways that break up continuous commercial building frontages. Position vehicular access to minimize negative impacts to aesthetics and to pedestrian and bicycle safety.

Why wasn't the following sentence added: Discourage use of local neighborhood streets as access points to parking lots/garage.???

CD 4.14 page 4-15 Quality of Life

- 1) Will both the Village Plan and "specific regulations and the Urban Design Standards" (CD 4.14 page 4.15 Quality of Life) be required to be complete before development is allowed on\at a Village on a Grand Boulevard??
- 2) When will Grand Boulevard Urban Design Standards begin to be developed?
- 3) Will job creating land uses/development be allowed along Grand Boulevards before Urban Design Standards are complete?
- 4) Will residential land uses/development be allowed along Grand Boulevards before Urban Design Standards are complete?

CD 4.5 page 4-14 Quality of Life

For new development in transition areas between identified growth areas and nongrowth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, viewshed, **artificial light trespass, privacy** or other land use compatibility concerns.

Why wasn't "artificial light trespass" specifically called out as a compatibility concern?

Why wasn't "privacy" specifically called out as a compatibility concern?

### Transportation and Land Use

The following four points assume coordination of transportation and land use.

1) TR-1.8 page 6-36

Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met.

2) TR-1.9 page 6-36

Give priority to the funding of multimodal projects that provide the most benefit to all users. Evaluate new transportation projects to make the most efficient use of transportation resources and capacity.

3) TR-3.3 page 6-41

As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

4) TR-3.6 Collaborate with Caltrans and Santa Clara Valley Transportation Authority to prioritize transit mobility along the Grand Boulevards identified on the Growth Areas Diagram. Improvements could include installing transit signal priority, queue jump lanes at congested intersections, and/or exclusive bus lanes.

Why are growth areas on The Alameda (CR-30 and VT4) not coordinated with VTA's BRT stops?

Why is the Growth Area CR-30 designated with a Village overlay when a BRT stop is so far away ( $\frac{3}{4}$  mile - SCTransit Ctr &  $\frac{2}{3}$  mile (Naglee/Taylor) ?

Why is the Growth Area CR-30 designated with a Village overlay when a BRT stop will by definition never stop at Newhall St due to the required spacing of BRT stops to create an "express" bus service?

Since the Naglee/Taylor BRT stop will not move due to its interface with BART (Berryessa station) VTA feeder lines, why isn't The Alameda/Naglee/Taylor intersection designated a Village?

**Davidson, John**

---

**From:** Layla Foruhi [flying-carpet@hotmail.com]  
**Sent:** Monday, August 15, 2011 4:40 PM  
**To:** Davidson, John  
**Subject:** DEIR Public Comments Submittal

To Whom It May Concern,

I am a community member who would like to submit a public comment regarding the proposed General Plan amendment, specifically Scenario 7A.

I am concerned that changing the designation of the Rancho del Pueblo site from Open Space, Parkland and Habitat to Residential land use will adversely impact the surrounding community, who depend on this area for recreation and whose open space is already limited. I feel that this would be an infringement on the already small amounts of open space and a healthy community.

As stated in the *Envision San José 2040 General Plan*, Social Equity and Urban Conservation/Preservation is one of the Major Strategies of the City's General Plan. It specifically states that this strategy aims to, *Protect and enhance San José's neighborhoods and historic resources to promote community identity and pride.*"

Replacing this gold course would damage the community's identity, pride and possibly historic resources.

Another Major Strategy is the Greenline/Urban Growth Boundary, which aims to, "*Preserve land that protects water, habitat, and agricultural resources and/or offers recreational opportunities, as well as to preserve the scenic backdrop of the hillsides surrounding San José,*" which this General Plan amendment threatens to permanently impact. How will the City make up for this loss of recreational opportunities for this low-income, largely immigrant community?

Finally, regarding Housing, I am concerned about gentrification due to the economic status of this neighborhood. What guarantees do we have that a new residential housing project will not negatively impact the surrounding communities and housing market, which has locally experienced a large amount of foreclosures due to the housing market collapse?

Thank-you for your consideration. Please confirm with me that you have received this letter.

Regards,  
Leila Forouhi  
Cupertino, CA  
(408) 858-9937

**Davidson, John**

---

**From:** Lori Berry [lberry@pennysaverusa.com]  
**Sent:** Monday, August 15, 2011 5:48 PM  
**To:** Davidson, John; District4; District1; District2; District3; District5; District 6; District7; District8; District9; Office of Councilmember Nancy Pyle; The Office of Mayor Chuck Reed  
**Cc:** Louis Berry  
**Subject:** Re Zoning Rancho del Pueblo Golf Course  
**Importance:** High

To Whom It May Concern:

My name is Lori Berry and my husband, Louis Berry, and I live in the California Fairways subdivision behind Rancho del Pueblo Golf Course. We purchased our home directly from Kaufman & Broad in 1999 and actually watched it be built. We have seen many changes to the community surrounding us in the past 11 years and most, sad to say, have been negative. As the economy has declined we have watched the quality of our neighborhood decline as well. Many houses have turned into rentals and, unfortunately, the renters don't seem so interested in having as great of a neighborhood as we do. That being said, **we cannot express how much we are in strong opposition of our beloved golf course being turned into housing units.** The golf course has remained consistent with providing beauty, safety and recreation for us and the neighbors surrounding it. One of the main reasons we purchased our home was because of the golf course. My main concerns regarding this possible change are:

#1) Crime - We are already seeing an increase in disturbances, robberies & vandalism in our neighborhood and I know that would just increase dramatically with 570 more houses. I know the police department has recently experienced cuts and it scares me to think of how this area would be patrolled and protected properly with a decrease in police officers on the street and an increase in housing units.

#2) Beauty - This area has little in the way of natural beauty/open spaces. The golf course provides most of the residents within California Fairways with beautiful green grass views as well as passerby's on King Rd. Our tiny backyard would be dismal with views of...other homes. Not only would this be an eye sore but it is going to drive down property values even more for owners within the community.

#3) Traffic/Noise - King Road can be quite congested and noisy especially during commute hours and this is only going to make things much worse.

#4) Positive impact on community - I see a number of children enjoying themselves on the weekends and in the summer with golf instruction and events. The more children we can impact in a positive manner, like the golf course does, the better for all of us in the community overall.

We will be attending the meeting this Wednesday evening as well but hope the city will hear our concerns and consider them strongly.

Thank you, in advance, for taking time to hear our point of view.

Sincerely,

Lori & Louis Berry  
1645 Hermocilla Way

8/16/2011

San Jose, CA 95116  
408-929-1985

*Lori L. Berry*

Account Executive

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[lberry@pennysaverusa.com](mailto:lberry@pennysaverusa.com)  
2025 Gateway Place, Suite 315  
San Jose, CA 95110  
650.533.8072 Cellular



[www.pennysaverusa.com](http://www.pennysaverusa.com)

August 15, 2011

Dipa Chundur, Project Manager,  
Envision San Jose 2040 General Plan  
Planning Division, PBCE City of San Jose  
200 East Santa Clara Street, Tower 3, San José, CA 95113-1905  
(408) 535-7688; Email: [dipa.chundur@sanjoseca.gov](mailto:dipa.chundur@sanjoseca.gov)

Subject: Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040  
Regarding: Lincoln Avenue; Husted to San Carlos  
Issues: Public Safety, VMT (vehicle miles traveled), City Revenue, Community QOL (Quality of Life)

Dipa Chundur,

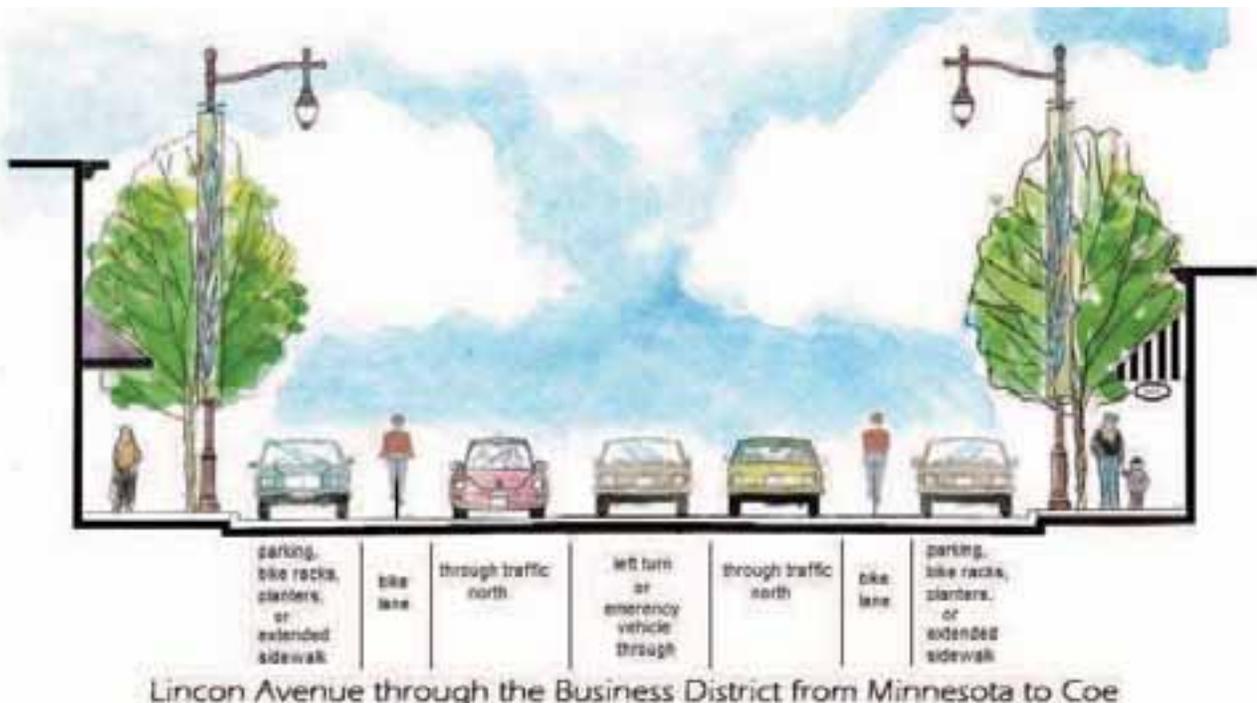
The Willow Glen Neighborhood Association (WGNA) appreciate and support San Jose DOT (Department of Transportation) and Staff efforts to move San Jose toward a safer, more livable World Class city. To be a Great City neighborhoods and neighborhood business districts must be safe, vibrant and inviting; and we fully recognize that with this comes enhanced environmental and economic sustainability.

We, members of the community respectfully request Lincoln Avenue be included in the City's 2040 land use master plan for making our neighborhoods and business district safer for school kids, seniors, mobility challenged and public safety vehicles. Safer cross walks, bike lanes and enhanced signage and signaling will preserve and protect and enhance this friendly livable village environment for all ages and abilities.

**Children and youth:** Lincoln Avenue is a key access corridor for young families and school children as it serves grammar schools, pre-schools and nurseries. Safe walking and bike routes to school are essential to livability.

**Seniors and less mobile** require safe streets and crosswalks, a key element of "Complete Streets". Public transportation access to the Willow Glen Community Center and business district coupled with slower traffic and safer pedestrian crossings promote and facilitate better health and independence as we age.

**Public Safety access:** A middle third lane(\*) will provide needed emergency access for Fire, Medical and Police vehicles during congested commute hours and periods of overflow created by traffic backups on SR87 and/or Almaden Expwy. This is even more critical for the 2,000 feet of the Willow Glen business district where public safety vehicle access is currently limited in peak traffic hours.



**Lower VMT (Vehicle Miles Traveled):** Slower, safer, more bicycle-pedestrian aware vehicle passage on Lincoln Avenue promote a greener low-carbon emission community.

**Vibrant and Inviting:** Lower VMT, safer pedestrian-bike access and mobility combined with nearby increased residential density and public transportation position Willow Glen for the next century as a desirable place to dine, shop, visit and do business; and do so with greater safety. Where better to set the standard for the rest of San Jose and provide the platform for high quality urban living.

**Summary:** Community members in Willow Glen with the support of the WGNA are becoming increasingly aware of this concept and the benefits it can provide. Each bicycle and pedestrian accident in this area raise the sense of urgency for completing this transition. Each near-miss and frightened pedestrian trying to cross Lincoln raise the questions: Who next? And when?

**Request:** We the undersigned respectfully request that Lincoln Avenue from Husted to San Carlos be included in the Envision San José 2040 plan and placed high on the list for conversion to a complete street. We further request that every effort be made to make this a public-private partnership involving key stakeholder on Lincoln Avenue and the Willow Glen Neighborhood Association, its Board and members.

The WGNA and members of the community appreciate your great work and look forward to working with the City DOT to make this vision a reality for all who live and work here and generations to come.

**\* Note:** It is requested that a 3-Lane configuration shown above be included in the Sample Street Topology Cross-Sections, (ref: Sec. 5, pg 5-30, E2040GP) for consideration as a solution for meeting the goals outlined in the Draft E2040GP and the San Jose Department of Transportation Bike Plan 2020.

Thank you,  
Members of the Willow Glen Community, (see below)

Gina America, SJ Resident and Business Owner

Richard A. Arzino, Esq., Law Offices, Lincoln Avenue

Carlo Babcock, Consultant, Cycling Advocate

John Bonfilio, resident, member, Willow Glen Community Center

James H. Carter, Deputy Chief SJFD, retired

David Dearborn, President, Willow Glen Neighborhood Association

Marilyn Dion, resident, Willow Glen

Terry Dow, retired Pacific Bell Telephone

Jonica Dow, retired medical reception

Cathy Giblin, resident, Willow Glen

Carrie Jensen, resident, cyclist, Willow Glen

Collin Jory, resident, member, Willow Glen Community Center

Scott Knies, Board Member, Willow Glen Neighborhood Association

Roland Lebrun, member, Willow Glen Neighborhood Association

Cynthia Lum, Eligibility Analyst, Health Advocates

Dave Machado, President, Willow Glen Business Association, US Bank, Lincoln Avenue

Bob Mack, resident, Willow Glen

Ken Miller, resident, Willow Glen, Business Owner

Archie Moore, Board Member, Willow Glen Neighborhood Association

Tim Mulcahy, SDS Nexgen Partners

Tim Muller, co-owner Lou's Village, Lincoln Avenue  
Tom Muller, co-owner Lou's Village, Lincoln Avenue  
Trish Newfarmer, resident, Willow Glen  
Sarah Nunley, Board Member, Willow Glen Neighborhood Association  
Brian Parker, resident Willow Glen, Blewett Avenue  
Ismini Poulos, resident, Willow Glen, member, Willow Glen Community Center  
Nancy Rice, Treasurer, Willow Glen Neighborhood Association  
Tom Rossi, former Board Member, Willow Glen Neighborhood Association  
Jeff Senigaglia, Frist Vice President, Willow Glen Neighborhood Association  
Ralph Steiber, Retired Engineer. Resident  
Bart Thielges resident, Willow Glen  
Yasmin Tyebjee, Owner, Top Nosh, Lincoln Avenue  
Robin Urbisci, resident, member, Willow Glen Community Center  
Brendon Vu, San Jose Youth Commissioner, Dist 6; Board Member, Willow Glen Neighborhood Association  
W. D. Warren, resident, member, Willow Glen Community Center  
Dave Weller, resident, Willow Glen  
Richard Zappelli, Second Vice President, Willow Glen Neighborhood Association

cc:

john.davidson@SanJoseCA.gov  
shirleylewis@comcast.net  
sam.liccardo@sanjoseca.gov  
Pierluigi.Oliverio@sanjoseca.gov  
Hans.Larsen@sanjoseca.gov  
John.Brazil@sanjoseca.gov

- end -



Santa Clara Valley Audubon Society  
Founded 1926

August 15<sup>th</sup> 2010

Mr. John Davidson, Senior Planner,  
Department of Planning, Building and Code Enforcement  
City of San Jose

Re: SCVAS comments: Draft PEIR for the Envision San José 2040 General Plan

Dear Mr. Davidson,

Santa Clara Valley Audubon (SCVAS) is pleased to have the opportunity to comment on the Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan (Plan). SCVAS' mission is to foster public awareness of native birds and their ecosystems and habitats in Santa Clara County, California. Since the General Plan is the policy framework for decision making on both private development projects and City capital expenditures, it has the potential to greatly impact the future of biological resources in the City and beyond, and is of concern to our membership. Specifically, we are concerned with the welfare of nesting birds in the city, and with the threats to continued existence of burrowing owls in the South Bay. We are also concerned with growth-inducing impact of the plan on biological communities inside the city's boundary and beyond, and with impacts to wildlife movement and habitat connectivity.

#### 1. Project Description omits important Biological Resources

Appendix E. (Biological Resources) lists dozens of species for which impacts are predicted. Many of these species are not mentioned in the body of the PEIR. We ask that the PEIR provide reference to ALL of the species that could potentially be impacted by the Plan, and discuss impacts to the most vulnerable species (such as the burrowing owl). This would be the correct way to provide future planners and decision makers, and the public, with complete Project Description as required by CEQA.

#### 2. Inadequate Mitigation for significant impacts to burrowing owls

In appendix E. (page 197), the PEIR acknowledges, "Impacts to individual burrowing owls and their habitats resulting from allowable development under the General Plan could result in a significant impact to regional burrowing owl populations because this species has experienced substantial regional losses in habitat and populations." Furthermore, the analysis proposes that for the Alviso Specific Plan Area, the Preferred Scenario would result in a greater impact to potential owl habitat than the other scenarios" (Appendix E. page 197). This means that the city intends to knowingly adopt an alternative that is environmentally inferior despite the fact that

*p. 1 of 3*

alternatives with smaller environmentally adverse impacts, alternatives that would not result in the likely extirpation of burrowing owls from our County, are available to meet project objectives.

To mitigate potentially significant impacts to burrowing owls, Appendix E. of the PEIR (page 264) proposes to rely on the Valley Habitat Valley Plan (VHP or HCP/NCCP) that is currently in development. The PEIR proposes, “if the [Valley Habitat Plan] process fails to result in an approved HCP/NCCP, comparable mitigation measures will be needed for burrowing owls.” This statement defers mitigation for impacts on burrowing owls. **We ask for all such “comparable mitigation measures” to be spelled out in the final EIR for the Envision San José 2040 General Plan so that the public can review the full set of mitigations proposed for this species.** Furthermore, there were many public comments on the burrowing owl conservation strategy as presented in the Draft Valley Habitat Plan, and the plan is currently going revisions. It is inappropriate for the PEIR to assume that the burrowing owl conservation strategy will retain the potential to mitigate for the General Plan’s impacts to this species.

The PEIR proposes, “additional measures will provide mitigation” to complement the unspecified “comparable mitigation measures”. The proposed complementary mitigation measures follow the “Burrowing Owl Consortium Guidelines”. Time has clearly shown that the burrowing owl consortium guideline are inadequate and fail to reduce impacts of development, infill and habitat loss on burrowing owls - on local and regional scales. The CA Department of Fish and Game maintains that these measures cannot reduce impacts on burrowing owls to a less-than-significant level.

Several times over the last eighteen months, SCVAS has provided the city with comments, and supportive evidence (emails from a Department of Fish and Game scientist, expert opinion by San Jose burrowing owl experts) that shows unequivocally that the mitigations set forth by the burrowing owl consortium guidelines are inadequate for our region (for example, please refer to SCVAS comments and supportive documents for the recent Dry Fermentation Anaerobic Digestion Facility, City File No. SP09-057),

**We conclude that the PEIR, as presented, includes no mitigation for identified significant impacts to burrowing owls and their habitat. Finding of no significant impacts with mitigations cannot be made.**

### 3. Inadequate Mitigation for impacts on Serpentine soil and its associated biological resources

Indirect impacts to serpentine soil habitats (due to nitrogen emissions) are discussed and mitigation is defined (ER-2.9, 2.10). However, the discussion in BIO-2 explicitly stipulates that the City cannot commit to implementing the proposed mitigation. This is a major flaw in the EIR. If the City cannot mitigate for the impacts, decision makers must adopt findings of overriding considerations, but even with such findings – CEQA mandates mitigation to the maximum extent practical.

#### 4. Inadequate mitigation for impacts on wildlife connectivity

We ask for adequate mitigation of East-West wildlife movement corridors and habitat connectivity in Coyote Valley. Mitigation should include partial removal of barriers on Monterey road, design policies that accommodate connectivity, and parkland acquisition.

#### 5. Need for protection of tree nesting birds

We ask that the Plan include policy and mitigations for tree removal and tree work to provide adequate protection to nesting birds. We ask that the PEIR include discussion of the issue and address timing of work for different categories of trees, nest surveys, and resources for implementation, and monitoring. This would help the City to comply with Federal and State law – the Migratory Bird Treaty Act and regulations by the California Department of Fish and Game – that make it unlawful to kill, possess or needlessly destroy the nest or eggs of any bird (with the exception of some invading species).

#### 6. Integration with the Valley Habitat Plan (HCP/NCCP)

SCVAS concurs with the PEIR that some of the issues we raised can be partially resolved by tight integration of mitigation for Plan impacts with the Santa Clara Valley Habitat Plan. However, at this time, this Plan cannot rely (for some species exclusively) on another plan that is still undergoing revisions - and has yet to be approved by several cities and government agencies - to mitigate significant impacts to biological resources.

Thank you for the opportunity to provide comments on the Environmental Impact Report for the Envision San José 2040 General Plan. Please keep SCVAS informed of the progress of this Plan.

Sincerely,



Shani Kleinhaus, Ph.D.  
Environmental Advocate  
Santa Clara Valley Audubon Society  
22221 McClellan Rd.  
Cupertino, CA 95014  
[shani@scvas.org](mailto:shani@scvas.org)

**Davidson, John**

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**From:** van d [vanktsf@yahoo.com]  
**Sent:** Monday, August 15, 2011 12:16 PM  
**To:** The Office of Mayor Chuck Reed; District1; District2; District3; District4; District5; District 6; District7; District8; District9; Office of Councilmember Nancy Pyle; Davidson, John; City Owned Property  
**Subject:** Rancho Del Pueblo - We do NOT need more houses

To Whom It May Concern:

File: GP10-05-01, File: PP09-011

We want to express our opposition against the city's plan to replace the Rancho del Pueblo golf course to build more houses. Some of the immediate impacts will be:

1. Traffic, noise, and air pollution will increase significantly because many more people will use a limited number of lanes to go in and out every day. The current community on Hermocilla/King has 200 single-family houses. This plan has 570 units (almost 3 times more). King/Story intersection was expanded recently and it is already very busy. The exit rams from/to 680 at both directions back up significantly during peak times, which can cause traffic hazards for drivers on the freeway.

2. Crime will increase simply because of the higher density of people. If it gets crowded with many more people, crime will increase. The shooting with two men died in August 2010 at the newly built apartment (San Antonio Ct, next to Freeway 101) is a worrisome example. Mercury News reported this crime:

"The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they've complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week."

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

3. Quality of life and public services will be negatively affected. We do not need more houses in this crowded area. New homes will need more schools, teachers, police-officers, fire-fighters, which the city might not have the money for. This plan will decrease and slow down emergency services, such as police cars, fire trucks, ambulances to our community.

As responsible taxpayers and concerned citizens, we believe there are other options instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

Sincerely,

Van Diep  
1469 Firestone Loop  
San Jose, CA 95116

8/16/2011

**Davidson, John**

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**Subject:** Re Zoning of Rancho del Pueblo

Mayor Chuck Reed and Council Members:

Tuesday, August 16, 2011

To: Mayor Chuck Reed, City of San Jose

200 East Santa Clara Street San Jose, CA 95113

re: First Outreach Meeting on the topic: Rezoning of Rancho del Pueblo

Mayfair Community Center 2039 Kammerer Ave., San Jose, CA 95116

Mayor Reed,

On August 17<sup>th</sup>, I will be attending the first outreach meeting on the topic of rezoning the property at Rancho del Pueblo golf course from Public Park/Open Space to Mixed Use Neighborhood on October 25, 2011. What you are actually doing is implementing the closing of the course and the sale of the property to a developer and this is the first step in the process. We went through this cycle not too many years ago and the proposal was defeated. You are trying again with the added emphasis of limited resources and reduced budget to seal the deal. I don't think you are taking the long view on this issue.

I have attended Envision San Jose 2040 meetings where the goal is to attract and house 400,000 more people in the City. As part of that process, the Parks, Recreation and Neighborhood Services people pointed out that without additional acres of recreational/active parks [equivalent to the footprint of two Golden Gate Parks, San Francisco, with GGP being 1017 acres!], the City would fail to meet its accepted minimum of 3 acres of active park per 1,000 residents. We are already below this minimum; and the closing Rancho del Pueblo (or rezoning it) will reduce the City's park acreage by 31 acres. Where and how do you plan to reclaim and add the required acreage?

One way to do this was suggested by the City Staff (Greenprint 2009 Update, Robert Balagso, October 30, 2009) and that is to include public school campuses in the count of active-park acreage. This is entirely too creative! The public cannot use school-campuses during school hours and when after-school activities are underway, they are fenced providing limited access and view, and activities are limited by School Officials and certainly preclude golf or BBQ, as example. In a time when public park and open-space is at a premium in the quality-of-life of most cities, and in particular the City of San Jose, the City Council considers closing a 31-acre site!

Rancho del Pueblo is a unique resource to the community. It is centrally located and easy to get to. It is a flat course, easy on seniors. It is sized appropriately for First Tee, the program to attract youth into active exercise, and because it is on the East Side, it attracts diverse, multicultural individuals. I recently saw a sign at the course announcing a special program for overweight youth with type II diabetes. I believe the First Lady has high interest in such programs. Are we going to secure Wi-Golf programs for youth in lieu of active, participatory play?

Over the years, the number of golf opportunities for San Jose Residents has dwindled dramatically. Courses and driving ranges have disappeared and have been replaced by high-density housing. Rancho del Pueblo offers a 9-hole course and a driving range. What alternatives do local residents have? I can answer that for seniors, age 65 and over. Some are very healthy and using Los Lagos Golf Course is no problem; but a little expensive as a cart and green fee are required. San Jose Municipal too is flat, but the course is very long. Many would find it difficult to walk this course. Santa Teresa, the Executive Course is a reasonable 9-hole; but it is not flat! Deep Cliff in Cupertino is an option; but a long drive to and from; and it costs non-residents a premium. For downtown and east-side folk, well into their golden years, there really is not a convenient alternative!

I believe Rancho del Pueblo is zoned open/space and recreational because of the many marsh-ponds at the site. A variety of water fowl and marsh birds make this course home. This green-aspect of the current course should too be considered. How will this be mitigated and how much will that mitigation cost?

8/16/2011

I am truly disappointed in our City Representatives as they are consistently taking a developer-friendly and short-term view of land options. The Quality of Life aspect of living in this City is only narrowly viewed. There are plenty of new bike paths out there to get to and from work and for exercise for the thirty-somethings. But active parks for the growing number of seniors (softball, tennis, golf, ...) are not on the radar. It will cost the City much less in the long run to keep these seniors active and healthy, to provide them appropriate fields for active recreation, and certainly to retain those that we already have.

Do not re-zone Rancho del Pueblo!

Patrick P. Pizzo

1555 Oak Canyon Drive

San Jose, CA 95120

408-997-2231

**Davidson, John**

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**From:** Chris Pollett [chris@pollett.org]  
**Sent:** Tuesday, August 16, 2011 3:49 PM  
**To:** Davidson, John  
**Subject:** re: re-zoning

To Whom It May Concern:

File: GP10-05-01, File: PP09-011

We want to express our opposition to the city's plan to replace the Rancho del Pueblo golf course by more housing. As we see it the immediate impacts will be:

1. Traffic, noise, and air pollution will increase significantly because many more people will use the limited number of lanes to go in and out every day. The current community on Hermocilla/King has 200 single-family houses. This plan has 570 units (almost 3 times more). The King and Story intersection was expanded recently and it is already very busy. The exit ramps to and from 680 in both directions back up significantly during peak hours, causing traffic hazards for drivers on the freeway.
2. Crime will increase simply because of the higher density of people. If it gets crowded with many more people, crime will increase. The shooting of two men in August 2010 at the newly built apartment (San Antonio Ct, next to Freeway 101) is a worrisome example. These men later died. The Mercury News reported this crime's impact of the community as follows:

"The violence shook up neighbors in the section of the San Antonio neighborhood that backs up to the Alum Rock Avenue off-ramp from northbound Highway 101. They were already angry and fearful about the Fairways, a low-income apartment complex built with \$5.75 million in city money last year. They said they've complained about drug dealing, fights and gangs near the 84-unit complex, and that police and emergency vehicles show up there two or three times a week."

Source: [http://www.mercurynews.com/bay-area-news/ci\\_15932775](http://www.mercurynews.com/bay-area-news/ci_15932775)

3. Quality of life and public services will be negatively affected. We do not need more houses in this crowded area. New homes will require more schools, teachers, police-officers, fire-fighters, which the city does not have the money for. This plan will decrease and slow down emergency services, such as police cars, fire trucks, ambulances to our community.
4. Currently, the housing market in San Jose is already depressed. It is dubious if the city could get a fair market value for the property in question. Further, the development of high density housing is likely to depress the market value of the other houses in the area. Whoever buys the property will, if done quickly, be able to lock-in, due to Prop 13, low property taxes on this development. So it is possible this whole transaction could yield a net loss in property income for the city. This may or may not in the long term offset any savings the city has in not paying a mortgage on the property.

As responsible taxpayers and concerned citizens, we believe there are other options instead of building more houses at this golf course. We sincerely hope that our voice is heard and taken into consideration when a decision is made. Thank you for your time.

Sincerely,

Name: \_\_Chris Pollett\_\_

Address: \_1568 Hermocilla Way, San Jose, CA 95116\_\_

**Davidson, John**

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**From:** Mary Pollett [mnpollett@yahoo.com]  
**Sent:** Tuesday, August 16, 2011 4:54 PM  
**To:** The Office of Mayor Chuck Reed; District1; District2; District4; District5; District 6; District7; District8; District9; Office of Councilmember Nancy Pyle; Davidson, John; City Owned Property  
**Subject:** Rancho Del Pueblo

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File: GP10-05-01, File: PP09-011

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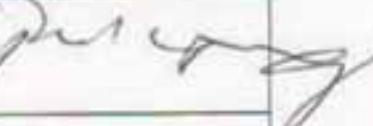
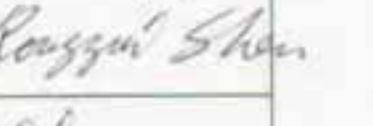
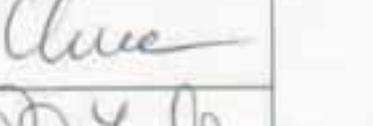
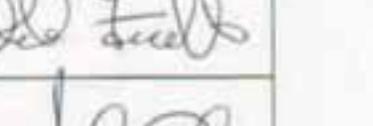
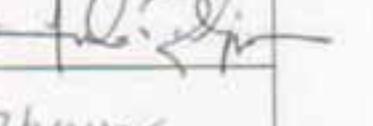
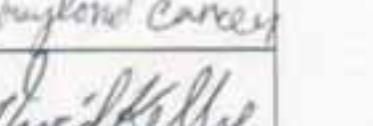
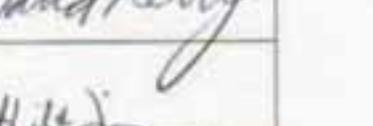
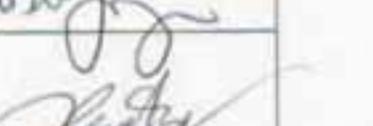
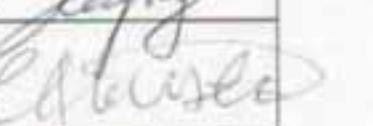
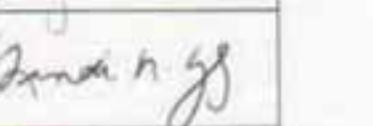
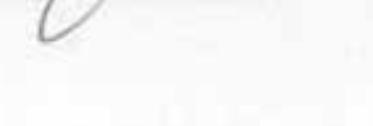
8/17/2011

Sincerely,

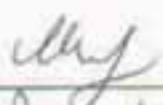
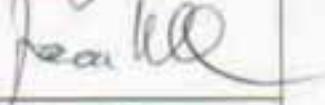
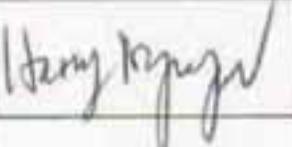
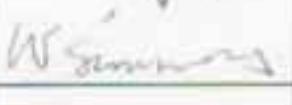
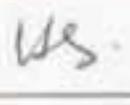
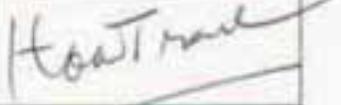
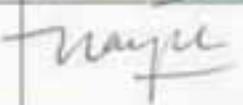
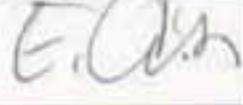
Name: Mary Pollett

Address: 1568 Hermocilla Way San Jose, Ca 95116

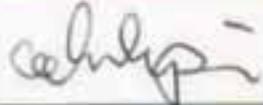
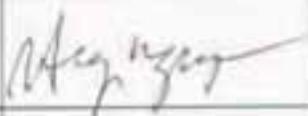
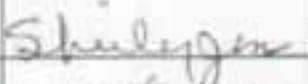
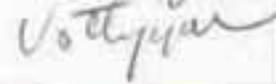
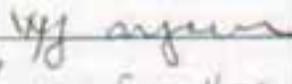
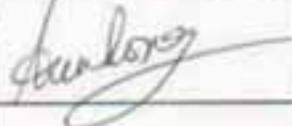
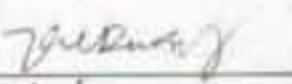
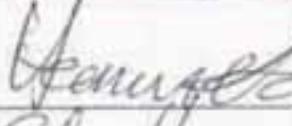
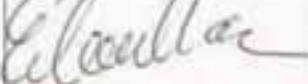
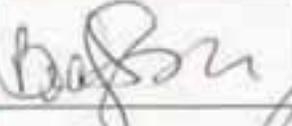
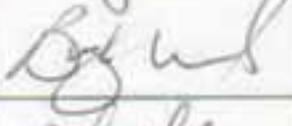
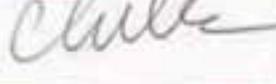
Petition by residents near Rancho Del Pueblo golf course against the potential sale and future development of the golf course.

#	Date	Name	Address	Signature
1	8/13/2011	PHU TRUONG	1612 FIRESTONE DR SAN JOSE 95116	
2	8/13/11	Buu TRUONG	1548 FIRESTONE LOOP SAN JOSE 95116	
3	8/14/11	Roungui' Shen	1608 Troon Dr. San Jose, CA 95116	
4	8/14/11	Chuc Le	1616 Troon Dr San Jose CA 95116	
5	8/14/11	Debbie Fakite	1639 TROON DR SAN JOSE, CA 95116	
6	8/14/11	AMADO RODRIGUEZ	1639 TROON DR. SAN JOSE, CA 95116	
7	8/14/11	Theresa Truong	1623 Troon Drive San Jose, CA 95116	
8	8/14/11	Draymond Carcer	1645 Troon Drive San Jose, CA 95116	
9	8/14/11	David Kelly	1607 Troon Dr. San Jose, CA 95116	
10	8/14/11	Nilo JINGLO	1381 FIRESTONE LOOP SAN JOSE, CA 95116	
11	8/14/11	Hong Giang	1385 FIRESTONE LP SAN JOSE, CA 95116	
12	8/14/11	CHRISTIE GUINETAO	1387 FIRESTONE LOOP SJ, CA 95116	
13	8/14/2011	Linda Young	1393 Firestone Loop San Jose CA 95116	
14	8/14/2011	Dominique Camillo	1397 Firestone Loop San Jose CA 95116	

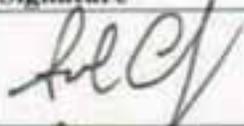
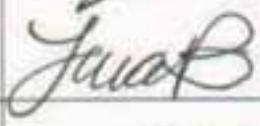
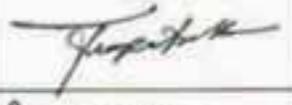
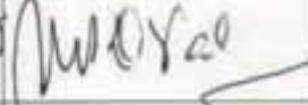
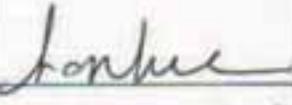
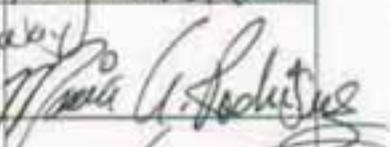
Petition by residents near Rancho Del Pueblo golf course against the potential sale and future development of the golf course.

#	Date	Name	Address	Signature
15	8/14/11	Inna Milenkova	1421 Firestone loop San Jose, CA	
16	8/14/11	Kris Hee	1425 Firestone loop	
17	8/14/11	Frank Chikov	1429 Firestone loop	
18	8/14/11	Vernice Tai	1493 Firestone loop	
19	8/14/11	Yiming Xie	1433 Firestone Loop	
20	8/14/11	ED GARCIA	1441 FIRESTONE LOOP	
21	8/14/11	HARRY NGUYEN	1436. Firestone Loop San Jose CA 95116	
22	08/14/11	Wendie Simmons	1428. FIRESTONE LOOP SAN JOSE CA 95116	
23	08/14/11	Heng Sim	1408 Firestone Loop San Jose, CA 95116	
24	8/14/11	HSA IRAN	1400 FIRESTONE LP. SAN JOSE CA 95116	
25	8/14/11	TRAN VU	1576 Firestone Rd San Jose CA 95116	
26	8/14/11	Hector Hernandez	1564 Firestone LP. San Jose CA. 95116	
27	8/14/11	Sony Khan	1552 FIRESTONE loop SAN JOSE CA 95116	
28	8/14/11	Elpidio Velasco	1557 Firestone loop San Jose CA 95116	

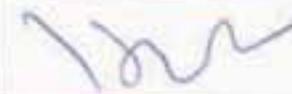
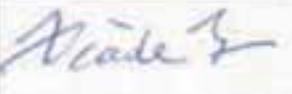
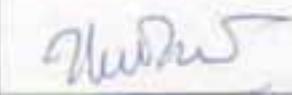
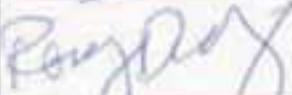
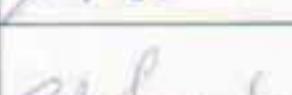
Petition by residents near Rancho Del Pueblo golf course against the potential sale and future development of the golf course.

#	Date	Name	Address	Signature
29	8/13/2011	Celia Poon	1473 Firestone Loop San Jose, CA 95116	
30	8/13/2011	Tak Poon	1473 Firestone Loop San Jose, CA 95116	
31	8/13/2011	Hiep Nguyen	1497 Carnoulet St San Jose CA 95128	
32	8/13/11	Shirley Gao	1549 Hermocilla Way San Jose	
33	8/13	NGUYEN VO	1581 HERMOCELLA WAY SAN JOSE CA 95116	
34	8-13-2011	NHAN NGUYEN	1597 Hermocilla Way	
35	8/13/11	Jessica Hong	1617 HERMOCELLA WAY SAN JOSE CA 95116	
36	8/13/11	ANH HONG	1617 HERMOCELLA WAY SAN JOSE CA 95116	
37	8/13/11	VU DUONG	1633 Hermocilla Way San Jose 95116	
38	8/13/11	Hemant Kumar	1666 Hermocilla Way 95116	
39	8/13/2011	Eileen Mai	1537 Hermocilla Way SJ CA 95116	
40	8/14/2011	Becky Tinnin	1552 Hermocilla Way SJ CA 95116	
41	8/14/2011	Barry Ward	1552 Hermocilla Way San Jose CA 95116	
42	8/14/11	Chi Mai	1625 Hermocilla Wy SJ CA 95116	

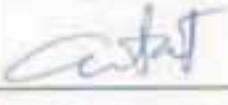
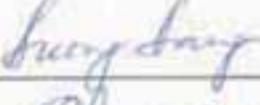
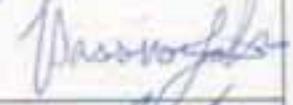
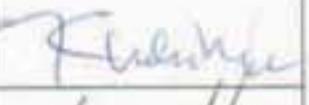
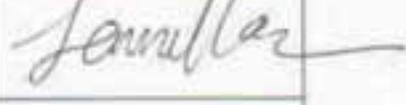
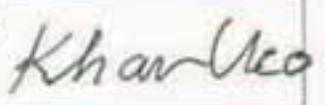
Petition by residents near Rancho Del Pueblo golf course against the potential sale and future development of the golf course.

#	Date	Name	Address	Signature
43	8-13-11	Anil Chaudhry	263 Ballybunon Way San Jose, CA 95116	
44	8-13-11	Liz Ferreyra	1477 Firestone LP San Jose ca 95116	
45	8-13-11	Raul Zamora	1493 Carnation Ct San Jose 95116	
46	8-13-11	Ladra Barron	1469 Firestone Loop San Jose CA 95116	
47	8-13-11	TRUYEN HO	1540 HERMOCILLA WAY SAN JOSE - CA 95116	
48	8-13-11	Nana Valencia	1548 Hermocilla Way S J CA 95116	
49	8/13/11	Felby Prabhu	1544 Hermocilla Way San Jose, CA 95116	
50	8-13-11	Loren Tran <del>Chau</del>	1560 Hermocilla way San Jose CA. 95116	
51	8-13-11	Chris Pollett	1567 Hermocilla Way San Jose CA 95116	
52	8/13/11	Mary Pollett	1568 Hermocilla way San Jose CA 95116	
53	8/13/11	MARIA A. Rodriguez	1592 Hermocilla Way S. J. CA. 95116	
54	8/13/11	Son Nguyen	1537 Hermocilla Way SJ CA 95116	
55	8/15/11	Noshaba Afzal	1473 Hermocilla Way San Jose CA 95116	
56	8-15-11	Naeem Afzal	1473 Hermocilla Way San Jose CA 95116	

Petition by residents near Rancho Del Pueblo golf course against the potential sale and future development of the golf course.

#	Date	Name	Address	Signature
57	8-12-11	Val Rivaere	1533 Hermocilla	
58	8-12-11	Humberto Pharo	1509 Hermocilla	
59	8/12/11	Jeff Tibben	1505 Hermocilla Way	
60	8-12-11	Eduardo Mendoza	1513 Hermocilla Way	
61	8-12-11	SEBASTIAN CRESPO	1470 HERMOCILLA WAY	SEBASTIAN CRESPO
62	8-12-11	Xiaole Yan	1469 Hermocilla Way	
63	8-12-11	Yueqin Dai	1469 Hermocilla Way	Yueqin Dai
64	8-12-11	Ruben Perez	1465 HERMOCILLA WAY	Ruben Perez
65	8-12-11	HUNG VU	1566 SANGRASS DR HERMOCILLA	
66	8-13-11	Rong Xun Deng	1583 Sangrass Dr	
67	8-12-11	Q Wang	1592 Sangrass Dr	
68	8/12/11	Y Mamea	1598 Sangrass Dr	
69	8/13/11	Robt Sanchez	1606 Sangrass Dr	
70	8/14/11	Enrique Guzman	1533 Hermocilla Way	

Petition by residents near Rancho Del Pueblo golf course against the potential sale and future development of the golf course.

#	Date	Name	Address	Signature
71	8/13/2011	Wendy Isidro	1407 Sawgrass Dr San Jose, CA 95148	
72	8/13/2011	Hai Nguyen	1611 Sawgrass Dr San Jose, CA 95116	
73	8/13/2011	An Tat	1615 Sawgrass Dr. San Jose CA 95116	
74	8/13/2011	DUONG DANH	1615 Sawgrass Dr. San Jose CA 95116	
75	8/13/11	DAVID SERRANO	1579 Sawgrass Dr. San Jose, CA, 95116	
76	8/13/11	Passion Johnson	1595 Sawgrass Dr San Jose, CA 95116	
77	8/13/11	NATIRA JOHNSON	1595 SAWGRASS DR. SAN JOSE CA 95116	
78	8/13/11	SATHYA NARAYANA	1595 SAWGRASS DR. SAN JOSE, CA. 95116	
79	8/13/11	LUYBET MATSUDA	1587 SAWGRASS DR SJ, CA 95116	
80	8/13/11	DEK SMITH	1563 Sawgrass Dr SJ, CA 95116	
81	8/14/11	Soraya Valla	1509 Hermocilla way San Jose CA	
82	8/14/11	Kimchi Nguyen	1581 Hermocilla Wy SJ - CA 95116	
83	8/14/11	Jenny Mai	1625 Hermocilla way San Jose, CA 95116	
84	8/14/11	KHANH TO	1625 HERMOUILLA WAY SAN JOSE, CA 95116	



Petition to preserve Rancho del Pueblo Golf Course

Print Name	Address	Signature
1 Steve Koppke	2221 Walnut Court Ste 505	[Signature]
2 Robert Hanson	2424 Appleby Way San Jose 95134	Robert Hanson
3 STEVEN EVANS	1920 Harmon Way S.J. 95125	[Signature]
4 Chin Tao	1235 City View Pl San Jose CA 95124	[Signature]
5 [Signature]	1150 [Signature] Way San Jose, CA 95128	[Signature]
6 Phil Foltz	3601 Spingbank Ave San Jose Ca 95148	[Signature]
7 [Signature]	571 Kihohi Suwayolo Ct 94187	[Signature]
8 Chris Nickolas	55 Lester Ave Apt. 2	[Signature]
9 ROBELOTTA	1214 THURMILL WAY S.J. CA 95121	[Signature]
10 ELVA TORRES	3148 Kennet Brittle Dr S.J. CA 95148	[Signature]
11 ELIAS GARCIA	3148 Peanut Brittle Dr S.J. CA 95148	Elias
12 James Thompson	403 Lewis Rd. San Jose CA. 95111	[Signature]
13 Cathelin Duran-Huon	1395 Dahlia Loop San Jose, CA 95126	[Signature]
14 PATELIA TOBY	437 Dorval Dr San Jose, CA 95132	[Signature]
15 LUNDI LAM	1095 THURMAN TER. S.J. CA 95120	[Signature]
16 LARRY LISENBAE	948 Ellis Ave, San Jose CA	[Signature]
17 David Liscombe	958 Ellis Ave San Jose, CA 95125	[Signature]
18 Doris Schumacher-Burndt	958 Ellis Ave San Jose, CA 95125	[Signature]
19 ROMEO GAMBELIA	5349 BURGUNDY DR SAN JOSE	[Signature]
20 ANTOINE GELARDI	117 SANTA MESA DR SAN JOSE	[Signature]

**Petition to preserve Rancho del Pueblo Golf Course**

Print Name Address Signature

- 21 VIVIANO RODRIGUEZ 1774 HILLMOUNT AVE SAN JOSE *Viviano Rodriguez*
- 22 SILVIO F BARRA 137 FERRARI AVE SAN JOSE *Silvio Barra*
- 23 ELEANOR GERSTLEIN 5519 RONN WAY, SAN JOSE *Eleanor Gerstlein*
- 24 WILLIAM STUBBS 5819 RONN WAY SAN JOSE *Will Stubbs*
- 25 ROSSWYN BARRA 885 WILCOX ST *Rosslyn Barra*
- 26 Moe Miller 5866 Crump Ct, S.J. *Moe Miller*
- 27 Ken Furukawa 1477 GLEEVEN DR. SJ *Ken Furukawa*
- 28 JOHN DOTELO 5735 HILLCREST AVE SJ *John Dotele*
- 29 JOHN SNAZKAR 1319 W CRESTVIEW AVE S.J. *John Snazkar*
- 30 HOMER LOUW 1870 EMERY ST. SAN JOSE *Homer Louw*
- 31 DAVIDE LINDSAY 1170 LANSER CT SAN JOSE *David Lindsey*
- 32 ROD LAGAN HENRI CATER. SP JOSE *Rod Lagan*
- 33 LOYELL CAIN 3143 SYLVAN DR SAN JOSE *Loyell Cain*
- 34 JUAN NGUYEN 14643 Via de Marcos Saratoga *Juan Nguyen*
- 35 JACQUELINE HOANG 14643 Via de Marcos Saratoga *Jaceline Hoang*
- 36 KARENDAR SINGH 2494 SCOTTS DALE DR. SAN JOSE. *Karender Singh*
- 37 BOB SISCO 142 SMOKITHRU CT S.J. *Bob Sisco*
- 38 DANIEL GARCIA 448 N 16TH ST SJ *Daniel Garcia*
- 39 JOYCE YAMAMOTO 1479 GLACIER DR SJ *Joyce Yamamoto*
- 40 ROBERT COATES 113 Pleasant Ridge Ave SJ *Robert Coates*

Petition to preserve Rancho del Pueblo Golf Course

Print Name	Address	Signature
41. A Thompson	1624 The Alameda #33 San Jose, 95126	
42. Yea Roberson	391 Concord Ave #15 San Jose 95128	
43. J DETNE	345 GATE AVE SAN JOSE 95110	
44. Robert Malonso	3380 Napoli Loop San Jose CA 95135	
45. David Dumas	613 BAYVIEW CT SAN JOSE CA 95136	
46. DAVID WYATT	1314 VANNA CT SAN JOSE CA 95131	
47. ROBERT BAKER	742 MOUNTAIN VIEW DR. SAN JOSE, CA 95125	
48. Ruchita Shah	207 Peppermint Tree Terrace, Unit 4, San Jose, CA 95126	
49. Shalin Shah	''	
50. William Rodriguez	1959 Trenton Drive / San Jose, CA 95124	
51. Brian Hallum	700 Saratoga Ave, San Jose, CA 95124	
52. Amber Hallum	814 Saratoga Ave, #1202 San Jose, CA 95129	
53. Smitha Mukundam	5178 Appleminon Cr, San Jose	
54. CARLA RYAN	3368 Whitman Way, SAN JOSE	
55. Jon Pizano	1665 Esmer John San Jose CA	
56. Brandon Ryman	5545 Clovercrest Dr Apt San Jose CA	
57. Helen de Gonzalez	9102 The Luma way San Jose Ca	
58. MARIE GONZALEZ	1442 GRIANDE DR. ST. CA. 95122	
59. Eulalie Mendonca	1256 Hornburn Ln San Jose CA 95128	
60. MARIA RUIZ	3037 MARKINGDON AVE SJ CA 95127	

Petition to preserve Rancho del Pueblo Golf Course

Print Name

Address

Signature

61	PATRICIA NAKASHIMA	4751 Coete de Avellanó SJ	<i>Patricia Nakashima</i>
62	Devon Johnson	3122 Linkfield Way	<i>Devon Johnson</i>
63	ROBERT HOSLER	3698 SATINWOOD DR. SJ	<i>Robert Hosler</i>
64	Bruce Reilly	3123 Marshall Way SS	<i>Bruce Reilly</i>
65	TOBO ORMAN	7110 POINT DUNES CT SJ	<i>Tobo Orman</i>
66	Robert Lyndon	686 LOS ALAMOS DR. SA. 95027	<i>Robert Lyndon</i>
67	Kyle Sec 2	875 375 Carlyback Ave	<i>Kyle Sec 2</i>
68	CANTE ESTORES	2558 Hill Park Dr, SJ, 95124	<i>Cante Estores</i>
69	MARION HATLAND	2223 Kuleba Common 94539 Fremont	<i>Marion Hatland</i>
70	Betty Slegel	633 S 13th St San Jose CA	<i>Betty Slegel</i>
71	AL LINNEY	2225 TAMIE LN S.J. Ca.	<i>Al Linney</i>
72	Doss Williams	1471 WILKINSON AVE SAN JOSE CA	<i>Doss Williams</i>
73	Navley Silva	1271 Julian Street San Jose CA	<i>Navley Silva</i>
74	Steve Sneed	1773 Wrenner way San Jose CA	<i>Steve Sneed</i>
75	Nico Muñoz	13600 A Clayton Rd. San Jose Ca.	<i>Nico Muñoz</i>
76	Nick Dalton	6502 Circle Hill Ave San Jose Ca	<i>Nick Dalton</i>
77	JUE GUERRERO	394 N 14th St S.J. Ca. 95112	<i>Jue Guerrero</i>
78	JAN SPALIAS	3512 SW OREGON ST SEATTLE	<i>Jan Spalias</i>
79	Danny Muiabel	1935 La Park Ave S.J. Ca, 95127	<i>Danny Muiabel</i>
80	JUAN GARCIA	536 Richmond Ave SJ CA, 95128	<i>Juan Garcia</i>

Petition to preserve Rancho del Pueblo Golf Course

PARENTS & GOLF COURSE PATRONS

Print Name Address Signature

- 81 Ricardo Sandoral 7353 Providence Ave Apt #1 [Signature]
- 82 NICK SUIZO 1400 ECT, San Jose [Signature]
- 83 inward Dshita 867 Gerard way [Signature]
- 84 AUSTIN T. AHERN 1157 So 11th St Austin T. Ahern
- 85 Jeffrey Walker 448 Toyon Ave Apt 57 J Walker
- 86 Brad Cox 210 S 1st St [Signature]
- 87 Will Mullen 304 Mill Pond [Signature]
- 88 JACK DEAGER 306 Millpond [Signature]
- 89 FRED BROWN 1585 MT HERMAN DR. [Signature]
- 90 A L BERWAL 131 TINDER COVE [Signature]
- 91 Casey Kuykendall 3411 Maplewood Ave St [Signature]
- 92 JOSE CASTRO 2153 Glen Donagel way, San Jose [Signature]
- 93 [Signature] 2244 Blinnon Crest Way San Jose [Signature]
- 94 [Signature] 4815 Baylands Park Way Fremont [Signature]
- 95 Anna Windsor 1174 Lennox Ct San Jose 95132 [Signature]
- 96 Andenica Williams 1874 Starwiskaw Drive Los Banos, CA 98035 [Signature]
- 97 Robesa DThurmond 20066 Embury Rd. Madera, CA 95231 [Signature]
- 98 YUMIN DANG 732 W. 6th St CA 95125 [Signature]
- 99 J.B. Coutreanu 5701 CROGAN AVE, San Jose, 95115 [Signature]
- 100 Ko AOKI 1805 Sherman Ave CA 95131 [Signature]

Petition to preserve Rancho del Pueblo Golf Course

PARENTS & GOLF COURSE PATRONS

Print Name Address Signature

101	Michael Culcasi	1359 Keenan Way, SJ 95125	<i>Michael J Culcasi</i>
102	Arsalan Asadi	130 MARINLOA CT # C Morgan Hill	<i>[Signature]</i>
103	Mrs Macarino	1818-9th Avenue Delano Ca. 93215	<i>Mrs Macarino</i>
104	Bob Teniel	371 N. Thirteen St SJ 95112	<i>[Signature]</i>
105	RHONDA VARGAS	3201 TRISTIAN AVE SJ 9027	<i>[Signature]</i>
106	Lacey Penney	518 S Almaden Ave SJ 95131	<i>Lacey Penney</i>
107	Betty Slesyk	633 Se 13th St SJ 95112	<i>[Signature]</i>
108	PRASAD MULKUTLA	3585 CASSIS CT SJ 95148	<i>[Signature]</i>
109	Brian Hersey	3146 Andocot Dr SJ 95148	<i>[Signature]</i>
110	Gary Flanik	2260 Lucretia Ave #1 SJ 95122	<i>[Signature]</i>
111	Madsen Yan	4104 Cornucopia Terrace, Fremont, CA 94538	<i>[Signature]</i>
112	Joyce Perez	424 Coyote Rd San Jose CA 95111	<i>[Signature]</i>
113	John & M. Icons	126 Belmont Way, 95122	<i>[Signature]</i>
114	Ravi Ngai	P.O. Box 12522, Campbell, CA 95011	<i>[Signature]</i>
115	Ashli Kambir	10426 Laredo Ave, Cupertino, CA 95014	<i>[Signature]</i>
116	Dimito Tabakas	144 Sierra Mendocino Dr. S.J. 95116	<i>[Signature]</i>
117	TRAVI Phillips	81 S Midway St Campbell CA	<i>[Signature]</i>
118	Sumir Chatterjee	5810 CHESTERFIELD Ct. 95138	<i>[Signature]</i>
119	RUSSELL PUGAY	512 PANWELL DR, SAN JOSE 95133	<i>[Signature]</i>
120	Kari Menezes	1081 Whittton Ave SJ 95110	<i>[Signature]</i>

**Petition to preserve Rancho del Pueblo Golf Course**

ADULTS

date	Print Name	Address	Signature
7/30/11	ALVARO VILAMANTES	1033 HOUGHTON CBL	<i>[Signature]</i>
7/30/11	John T. Jones	3871 ASHBRIDGE LANE	<i>[Signature]</i>
7/30/11	BHAVIN CHATT	204 PEPPERMINT TREE TER, SUNNYVALE, CA	<i>[Signature]</i>
7/30/11	David Espinoza	4089 Holly Dr S.S. 95127	<i>[Signature]</i>
7/30/11	Lenny Siimec	909 Gridley St - 95127	<i>[Signature]</i>
7/30/11	David Krassowski	1051 Woodvale Ct S.J. 95116	<i>[Signature]</i>
7/30/11	Thomas Weber	13580 Clayton Rd 95127	<i>[Signature]</i>
7/30/11	Geary Olmos	445 Benita Ave S.J. 95116	<i>[Signature]</i>
7/31/11	Ian McGray	14920 Cavalitas Ln. SS 95127	<i>[Signature]</i>
7/31/11	Ashley Nayanyaya	7677 Rendler. SS. 95148	<i>[Signature]</i>
7/31/11	CHRIS GARCIA	534 Esomano SS 95128	<i>[Signature]</i>
7/31/11	Frank Morales	341 Bryan Ave Sunnyvale CA 94086	<i>[Signature]</i>
7/31/11	Concepcion Linares	5501 Preston! Cir Livermore CA 94551	<i>[Signature]</i>
7/31/11	Carl Priore	756 Olivina Ave Livermore CA 94551	<i>[Signature]</i>
7/31/11	LESTER J. ENCARNACION	3009 J. AMICO Dr. SAN JOSE CA 95128	<i>[Signature]</i>
7/31/11	Sebastian Stark	507 Malachukin S.T. Ca 95116	<i>[Signature]</i>
7/31/11	Kudim, Ivan	426 So 13 Street, ST 95112	<i>[Signature]</i>
7/31/11	Barbara Kempczak	426 S 13 ST San Jose 95112	<i>[Signature]</i>
7/31/11	Douglas Martini	1423 Sierra Creek Way 95122	<i>[Signature]</i>
7/31/11	Matthew Belmonte	1377 Pidge Road, Jackson CA 95122	<i>[Signature]</i>



Petition to preserve Rancho del Pueblo Golf Course

date	Print Name	Address	Signature
141 7/29/11	Lynn Thomas	3559 Andrea Ct. San Jose 95177	
142 7/29/11	Shaun Chen	7574 Holladay Pl. Cupertino 95014	
143 7/29/11	Tim Desby	5315 Laurel Canyon Dr. ST 95181	
144 7/29/11	Moon Chinn	85 Foxworthy St 95124	
145 7/30/11	Hiroshi Kubo	6585 Leyland Park Dr, Danville CA 94520	
146 7/30/11	Craig Leibold	3414 Meadowlands Lane, San Jose 95135	
147 7/30/11	ERIC NARAYAN	3015 Haddon Way SJ 95135	
148 7/30/11	Jon Danko	1440 Chipley Dr. SJ 95122	
149 7/30/11	Priya Sush	2295 Skyline Dr Milpitas 95035	
150 7/30/11	Candice Ngai	P.O. Box 112522, Campbell, 95008	
151 7/30/11	MARK MEDALIE	7629 Buckhaven Dr. SJ, 95135	
152 7/30/11	Zsuzsanna Jancsek	594 N King Rd #13 San Jose CA 95133	
153 7/30/11	Yi Zhong	1145 Alderbrook Ln. G7 95129	
154 7/30/11	Kyle Thomas	355 Andrea Ct San Jose 95177	
155 7/30/11	David Korman	2420 Rossetto Dr. San Jose CA 95128	
156 7/30/11	XIQIZHA WANG	2420 Rossetto Dr. San Jose CA 95128	
157 7/30/11	Susan Horowitz	1655 Shasta Ave. San Jose CA 95128	
158 7/30/11	Carmen Gates	1378 Keenan Way SJ CA 95125	
159 7/30/11	Jacmin Cummings	1430 Jeffrey Ave SJ CA 95118	
160 7/30/11	Sal Cummings	1430 Jeffrey Ave SJ CA 95118	

Petition to preserve Rancho del Pueblo Golf Course

ADULTS

Address

Print Name

date

Signature

161	7/13/11	JAME SO	170 W. TRIMAN DR. SAN JOSE	<i>Jame So</i>
162	7/13/11	PATRICK LATT	1093 TRAVELER TER. SAN JOSE	<i>Patrick Latt</i>
163	7/30/11	JAMES LACY	352 WEST CT., SAN JOSE	<i>James Lacy</i>
164	7/30/11	Gerald P. Grades	137E Ueavon Way, San Jose	<i>Gerald P. Grades</i>
165	7/30/11	Sanjeev Shalia	4076 Lakemont Ct, San Jose, CA 95148	<i>Sanjeev Shalia</i>
166	7/30/11	Mark Lott	156 Washington Dr Milpitas CA 95035	<i>Mark Lott</i>
167	7/31/11	DEBRA SWAIN	3224 TERRA COTTA DR. 55 95135	<i>Debra Swain</i>
168	7/31/11	Michael Della Riva	4300 The Woods Drive, 55 95136	<i>Michael Della Riva</i>
169	7/31/11	JASON DELLA ROSA	4300 THE WOODS DR, SJ 95136	<i>Jason Della Rosa</i>
170	7/31/11	KYLE LOTT	1060 Washington Dr Milpitas, CA 95035	<i>Kyle Lott</i>
171	7/31/11	Patricia Lember	1093 Trains Ter. San Jose 95123	<i>Patricia Lember</i>
172	7/31/11	Walter Bannix	233 OLONSAY CT., S.J. CA, 95119	<i>Walter Bannix</i>
173	8/1/11	Armando Lugo	5450 Monterey Rd spc F 183 95111	<i>Armando Lugo</i>
174	8/1/11	GUSTONE FELARDI	4117 SANTA MESA DR 95123	<i>Gustone Felardi</i>
175	8/1/11	KAREN TERPE	44 TIMBER COVE DR CAMPBELL 95008	<i>Karen Terpe</i>
176	8/1/11	Chuaner Serstev	5819 Kaban Way San Jose 95123	<i>Chuaner Serstev</i>
177	8/1/11	Hsiu Chen	6957 Grandwood way San Jose 95120	<i>Hsiu Chen</i>
178	8/1/11	MADISON PURCELL	1300 CORCORAN DR SAN JOSE 95110	<i>Madison Purcell</i>
179	8/1/11	NICHOLS, RANFAN	520 2776 Sunrise Dr SJ 95125	<i>Nichols, Ranfan</i>
180	8-1-11	RECU WOOD	989 LEFTIA AVE SAN JUAN CLARA 95054	<i>Recu Wood</i>

Petition to preserve Rancho del Pueblo Golf Course

ADULTS

date Print Name

Address

Signature

181	8/1/2011	Richard A. Wood	989 Leith Avenue	<u>Richard A. Wood</u>
182	8-1-2011	Richard J Grant	692 Palm St S.J CA 95110	<u>[Signature]</u>
183	8-1-2011	David Lasaca	1865 CRETEA DRIVE 55 95125	<u>[Signature]</u>
184	8/1/2011	Charles F. Castro	1401 De Rose way Apt. 229A 95118	<u>Charles F. Castro</u>
185	8-2-11	Ruben Mayra	3221 MATOSO Dr S.J CA 95148	<u>Ruben Mayra</u>
186	8-3-11	Jim Jessen	1240 El Solyo Ave Campbell 95008	<u>Jim Jessen</u>
187	8-2-11	REYNADO FORNIVA	2098 Lumbia de las Flores Santa Clara	<u>[Signature]</u>
188	8/2/11	Dann Holtano	500 Tully Rd SJ CA 95111	<u>[Signature]</u>
189	8/2/11	Scott Cooper	114 Smith Creek Dr CA 95030	<u>Scott Cooper</u>
190	8-2-11	Ran Bens	46 W. JULIAN ST PHOENIX 85010	<u>[Signature]</u>
191	8/2/11	Quoc Nguyen	2655 GLEN LAMON WY. SF, CA 95148	<u>[Signature]</u>
192	8/2/11	Jeremy Smith	1898 Westminister Ct S.J 95132	<u>[Signature]</u>
193	8/2/11	Tim Feeney	1060 W. Hacienda Ave Campbell 95008	<u>[Signature]</u>
194	8-2-11	Gregory Allen	185 Buell Dr Campbell 95008	<u>[Signature]</u>
195	8-3-11	Quoc Cu-Pinic	424 W. Jackson Ave SJ CA 95116	<u>[Signature]</u>
196	8-3-11	AUSTIN AHERA	115759 11 ST 95112	<u>Austin Ahern</u>
197	8/2/11	NICHOLS REN	2376 Sunnyside St 95135	<u>[Signature]</u>
198	8/2/11	Mike Torres	2115 The Meadows, San Jose CA	<u>[Signature]</u>
199	8/2/11	PEUNIS HICKEY	1121 MEADOW BROOK DR LOS GATOS 95032	<u>[Signature]</u>
200	8/2/11	Lew Hoffman	101 Clareview Ave SJ 95127	<u>[Signature]</u>

PARENTS & GOLF COURSE PATRONS **Petition to preserve Rancho del Pueblo Golf Course**

date	Print Name	Address	Signature
201 8/2/11	Gregory Shields	201 S. 4th St. Apt. 408	
202 8/2/11	Leon Kiama	429 Buckingham Park Ct S.J. 95136	
203 8/2/11	Dave Iseman	15095 Bellini Way Morgan Hill CA 95031	
204 8/2/11	Nicole LeVan	1315 De Altura Cmbs St 95106	
205 8/2/11	Lulu Li	2005 Seabrook Ct 90065	
206 8/2/11	Tao Tang	2005 Camo Rd Redwood City CA	
207 8/2/11	Amy Zeng	3005 Seabrook Rd, 90065	
208 8/3/11	Caryn Anstine	1712 Ridgetree Way, S.J. 95131	
209 8/3/11	Garry Anstine	1712 Ridgetree Way, S.J. 95131	
210 8/3/11	ROBERT ABLECK	145 EL CAMPO DR ST 95127	
211 8/3/11	Louise Anderson	1719 Maynard Court 55 95131	
212 8/3/11	Jose Diaz	12912 STEBEL AVE. SO. 95111	
213 8-3-11	Jack Miller	Fremont CA.	
214 8-3-11	Ron Miller	Hayward CA. 94541	
215 8-3-11	Leiana Telesuwa	Kihly Road 296	
216 8-3-11	Grayson Smith	1615 Troon Dr 95106	
217 8-3-11	Norina Lesu	Kihly Road 296	
218 8/3/11	Alexandra Espinoza	57107 CHASPEDO	
219 8/3/11	Anton Ahumada	112 Monte Vista	
220 8/3/11	Wallace Ahumada	233 Oceanway Ste 205 CA. 95107	

Petition to preserve Rancho del Pueblo Golf Course

PARENTS & GOLF COURSE PATRONS

date	Print Name	Address	Signature
221 7/14/11	Jeffrey E. Shafer	46 W. SUIWAN ST #425, SUTTER 95110	<i>Jeffrey E. Shafer</i>
222 8/4/11	James Lathrop	46 W. JULIAN ST #309 SUTTER	<i>James Lathrop</i>
223 8-21-11	ARISTIN T. ALONSO	1157 S 0 TH ST SAN JOSE	<i>Aristin T. Alonso</i>
224 8-7-11	EDGAR W. MILLER JR	2590 GLENRIO DRIVE SUTTER CA 95121	<i>Edgar W. Miller Jr</i>
225 8-7-11	Donald N Patterson	1491 ELSMER CT SAN JOSE CA 95120	<i>Donald N Patterson</i>
226 8-4-11	Gene Garcia	2228 VISTA VERDE DR	<i>Gene Garcia</i>
227 8-4-11	Robert Garcia	4585 alamo Rockport -	<i>Robert Garcia</i>
228 8/4/11	DEMETRIUS AUGUSTIN	1993 UPTAL COURT, SAN JOSE, CA. 95121	<i>Demetrius Augustin</i>
229 8/4/11	MOSIE HILL	4025 ROLLINGWOOD BLVD SAN JOSE CA 95134	<i>Mosie Hill</i>
230 8/4/11	Isabella Castro	2841 Guerberengas Dr	<i>Isabella Castro</i>
231 8/4/11	POTE ENOYAH	461 BANFF ST. S.J. CA 95116	<i>Pote Enoyah</i>
232 8/4/11	JERREY AMARO	6812 AVENIDA RETELA CA 95129	<i>Jerrey Amaro</i>
233 8/4/11	Jay Stewart	4952 Sandstone, SJ, CA 95124	<i>Jay Stewart</i>
234 8/4/11	Tam Knight	956 Florence Lane, Menlo Park 94025	<i>Tam Knight</i>
235 8/4/11	Deanne Rogers	1850 Simpson way, San Jose CA 95128	<i>Deanne Rogers</i>
236 8/4/11	Brian Byers	303 Almoder, SJ, CA	<i>Brian Byers</i>
237 7/7/11	Tom Lou	19329 Via Ciccerot Ct Serrano 95210	<i>Tom Lou</i>
238 8/4/11	Molly Redfearn	28 Finger Ave Apt #8 Redwood city, CA	<i>Molly Redfearn</i>
239 8/4/11	Saana Ropaxo	20 Descanso Dr. San Jose, CA	<i>Saana Ropaxo</i>
240 8/4/11	Robert Harris	3170 AUNDA DR SAN JOSE, CA	<i>Robert Harris</i>

**Petition to preserve Rancho del Pueblo Golf Course**

PARENTS & GOLF COURSE PATRONS

date	Print Name	Address	Signature
241 8/4/11	LEWIS CIRIFFOLI	10175 MIGUELITO Rd. S.T.	<i>[Signature]</i>
242 8/4/11	PAUL ROSSER	2411 AZULDO PKWY JT	<i>[Signature]</i>
243 8/4/11	Perry Lundberg	3770 Belwells Dr. Apt 917 S.J.	<i>[Signature]</i>
244 8/4/11	Cheoey N. Boszdicsek	1327 Torrance Springs	<i>[Signature]</i>
245 8/4/11	Alex Bass	16685 Lone Hill Dr Morgan Hill	<i>[Signature]</i>
246 8/4/11	<del>Ajaya Shireya</del>		
247 8/4	FERRIE P. SANCHEZ	2905 Green Pome Way S.T. CA.	<i>[Signature]</i>
248 8-5	Henry Luceno	215 S. 24th St. S.J. CA.	<i>[Signature]</i>
249 8-5	GILBERT URBE	28 San Gabriel S.T. CA.	<i>[Signature]</i>
250 8-5	Alex Urbe	1041 Chapel Hill way	<i>[Signature]</i>
251 8-5	Karl Gomez	39241 REDHUN. DR. FRAMING. CT 94538	<i>[Signature]</i>
252 8-5	Robert D Villagomez	4505 Alameda Ct S.T. 95117	<i>[Signature]</i>
253 8-5	Cheryl Snyder	416 Brenda Ln Dr S.J. CA 95133	<i>[Signature]</i>
254 8-5	Fernietha Salameh	1027 Camino Ricardo San Jose CA 95135	<i>[Signature]</i>
255	Peter Martin	7515 Sierra Road San Jose CA 95132	<i>[Signature]</i>
256	JOHN RUNDVAD	6087 Knowl Park Ct. San Jose, CA 95120	<i>[Signature]</i>
257	HUBERTEN LIAO	3952 Mosher Dr. San Jose CA 95135	<i>[Signature]</i>
258	WILLIAM BRAWNKA	133 ORONSAY CT. S.J. CA 95119	<i>[Signature]</i>
259 8-6	Bill Bria	3232 NEAR AVE ST. 95117	<i>[Signature]</i>
260	Jim Chretien	3048 THREE SPAINS Rb 95140	<i>[Signature]</i>

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### Petition to preserve Rancho del Pueblo Golf Course

PARENTS & GOLF COURSE PATRONS

date	Print Name	Address	Signature
281 8-6-11	Roger S. Nivon	908 College Dr #14 San Jose CA 95125	[Signature]
282 8-6-11	PRATIK JAIN	6599 OLD HAWTHORN CT SAN JOSE 95135	[Signature]
283 8-6-11	Ben Nam	902 Tuleman camp San Jose 95122	[Signature]
284 8/6/11	MARIE PLOS	7037 MARKINGHAM AVE S1 95127	[Signature]
285 8/6/11	RAMON T. VARGAS	9830 PLANTFIELD R. SAN JOSE 95111	[Signature]
286 8/6/11	Jose V Munoz	14777 MUMFORD RD SAN JOSE 95120	[Signature]
287 8/6/11	Jean Vazozza	14727 Montalvo Rd San Jose CA	[Signature]
288 8/6/11	Robert Harnes	2424 Appleby Way San Jose 95120	[Signature]
289 8/6/11	MARIO SACABIA	1447 ORLANDO DR. SAN JOSE CA 95127	[Signature]
290 8/6/11	Robert May	3402 MT VES DR S.J. CA 95198	[Signature]
291 8/6/11	John Lee	1525 Fir Oaks Cir San Jose CA	[Signature]
292 8/6/11	Margaret Smith	590 S. Alameda Ave Sunnyvale CA	[Signature]
293 8/6/11	Julie Moreno	1248 Coolidge Ave San Jose CA	[Signature]
294 8/6/11	Conrad Kong	3744 Avignon Lane San Jose CA	[Signature]
295 8/6/11	Cheryl Morley	1550 Calaveras Ave SJ	[Signature]
296 8/6/11	Priscilla Tolman	6246 - eaw Ave San Jose	[Signature]
297 8/8/11	Serry Mendel	14385 Leeway Lane San Jose	[Signature]
298 8/8/11	Debra Hilson	14385 Leeway Lane San Jose	[Signature]
299 8/8/11	JESSE PAREZ	6116 W. OF S.J. CA 95123	[Signature]
300 8/9/11	R CASANO	55. V YOUNG AVE, SAN JOSE 95110	[Signature]

**Petition to preserve Rancho del Pueblo Golf Course**

**PARENTS & GOLF COURSE PATRONS**

Address

Print Name

date

Signature

301	8-9-11	Ricami Casade	1429 Keckh Lane San Jose, CA 95128	[Signature]
302	8-9-11	Juan Cullaly	411 Park Ave	[Signature]
303	8/9/11	Gene Losoncio	" " "	[Signature]
304	8/9/11	Victoria Perez	3027 Ferris Blvd 95149	[Signature]
305	8-10-11	AUSTIN T. HARRIS	1157 SE 11 <sup>th</sup> St. Capitola, CA 95010	[Signature]
306	8/10/11	Matt Murrell	2125 Regens Ave San Jose CA	[Signature]
307	8/10/11	Brid Bethel	4512 San Cid de Peral SS. 95123	[Signature]
308		Samuel Banez	3544 Family Drive	[Signature]
309	8-10-11	Seesh Martinez		[Signature]
310	8/10/11	Amanda Louis	5327 Mandarlon Drive -	[Signature]
311	8/10/11	Vanessa Gonzalez	2068 Lomas Ave San Jose CA 95128	[Signature]
312	8/10/11	Jerry Merc	3615 Sweet Brook Ct SS CA 95111	[Signature]
313	8/11/11	Stephanie Hunt	1599 Via Camino Real San Jose CA 95128	[Signature]
314	8/11/11	Hermitha Silambar	1127 Camino Ricardo San Jose, CA 95128	[Signature]
315	8/11/11	Lee Rubin	7223 Via Corona Dr 95128	[Signature]
316	8/11/11	Denise Chino	1235 Chula Vista Pl - Belmont 94008	[Signature]
317	8/11/11	Karen Valadao	3750 Kamp Dr Pleasanton	[Signature]
318	8/11/11	Christine Belanger	5715 F Malindi Cir San Jose CA 95128	[Signature]
319	8/11/11	Gregory Stahl	1217 Cottage Rd. San Jose CA 95128	[Signature]

502 Mr  
to

# Petition to preserve Rancho del Pueblo Golf Course

TFTSJ PARENTS & PATRONS

Print Name

date

Address

Signature

321	5/14/11	Georgy Rios	Mountain Quail Cir San Jose, 95117	<i>Georgy Rios</i>
322	8/11/11	Laura Schoderlet	Hermocilla Way SJ CA 95116	<i>Laura Schoderlet</i>
323	8-11-11	Val Riviere	San Jose, 95122	<i>Val Riviere</i>
324	8-11-11	Juan Del Alto	SAN JOSE CA 95124	<i>Juan Del Alto</i>
325	8-11-11	ERATIN IBARRA	14335 Leany Lane SJ 95124	<i>Eratin Ibarra</i>
326	8/12/11	Jerry Mandel	7450 MARINER BL WILB CA	<i>Jerry Mandel</i>
327	8/14/11	TRACY NEWELL	3903 CARROLL CT SAN JOSE, CA	<i>Tracy Newell</i>
328	8/12/11	Johnny Saldivin	57 Santiago Ct San Jose, CA 95135	<i>Johnny Saldivin</i>
329	8/12/11	Larry Dues	1440 Mayette Dr. San Jose CA 95128	<i>Larry Dues</i>
330	8/12/11	Chuck Bassett	1229 Redolino Ct. San Jose CA 95127	<i>Chuck Bassett</i>
331	8/12/11	Eileen Mei	1537 Herminilla Way, San Jose CA 95116	<i>Eileen Mei</i>
332	8/12/11	PHIL YOUNG	1612 FRESHMAN ST SAN JOSE CA 95116	<i>Phil Young</i>
333	8/12/11	San Nguyen	1537 Hermilla Way, San Jose, CA 95116	<i>San Nguyen</i>
334	8/12/11	Tim Leary	1381 SPAR AVE SAN JOSE CA 95117	<i>Tim Leary</i>
335	8/12/11	MARIL NAUSIC	1160 DAWBURY DR SJ 95129	<i>Maril Nausic</i>
336	8-12-11	Eugenio Delia	1719 S. CALYPSO DR SAN JOSE CA	<i>Eugenio Delia</i>
337	8-12-11	Chris Tenorio	1640 Hermocilla Way SJ CA 95116	<i>Chris Tenorio</i>
338	8-12-11	JUN CAPIENCA	1641 Hermocilla Way SJ CA 95116	<i>Jun Capienca</i>
339	8/12/11	MYCA DE LA PAZ	1641 HERMOCELLA WAY SJ CA 95116	<i>Myca De La Paz</i>

TFTSJ PARENTS & GOLF COURSE PATRONS

Petition to preserve Rancho del Pueblo Golf Course

date	Print Name	Address	Signature
341 8/13	Carla Armas	4880-9 CIBOLA WINDMILL CT 94158	<i>[Signature]</i>
342 9/11	JUAN MENDOTA	1071 Noble Lane San Jose 95122	<i>[Signature]</i>
343 8/13	Tommy Caskey	Eden Terrace Street	<i>[Signature]</i>
344 8/13/11	Tim Uhalch	10 BRYANTWAY AVE CUPERTINO CA 95014	<i>[Signature]</i>
345 8/13	Jasen MacBlond	1534 Hovey Lane San Jose CA 95125	<i>[Signature]</i>
346 8/13	Kate Koehn	815 MERCEDES DR MORGAN HILL, CA	<i>[Signature]</i>
347 8/13	Edel Bauer	P.O. Box 20865 95115	<i>[Signature]</i>
348 8/13	Abhin Pandit	1490 Landdale Ave Cupertino 95014	<i>[Signature]</i>
349 8/13	Rohit Pandit	6165 Shadyglen Ln Cupertino, 95014	<i>[Signature]</i>
350 8/17	Madam Pravin	F10 University Dr - CLIVE CA 95027	<i>[Signature]</i>
351 8/13	Celia Poon	1473 Firestone Loop. San Jose CA 95116	<i>[Signature]</i>
352 8/13	Tak Poon	1473 Firestone Loop San Jose, CA 95116	<i>[Signature]</i>
353 8/14	Armanda Blancas	4152 Thrain Way, Palo Alto, CA	<i>[Signature]</i>
354 8/14	Mick Sainbis	1442 ORLANDO DR SAN JOSE CA 95122	<i>[Signature]</i>
355 8/14	Lynet Cleared	895 DE AVE ST CA 95125	<i>[Signature]</i>
356 8-14	Scott Douglas	741 Sunset Clear Dr 95123	<i>[Signature]</i>
357 8-14	Ben Bantel	1406 Barton Drive 95050	<i>[Signature]</i>
358 8-14	MEX MONTANONI	124 W. WILKINSON ST. DR.	<i>[Signature]</i>
359 8-14	Tony e Vieira	1252 Wilton St J.S	<i>[Signature]</i>
360 8-14	Samuel Yanez	4087 ROSE AVE. San Jose CA 95127	<i>[Signature]</i>

**Petition to preserve Rancho del Pueblo Golf Course**

**PARENTS & GOLF COURSE PATRONS**

date	Print Name	Address	Signature
261	Yoshiko Hashimoto	12000 Atrium Dr. Saratoga	Yoshi
262	BARB FRIEDRICH	3070 THREE SPRINGS RD S J	B. Friedrich
263	Erwin Garcia	739 Pronto Dr SJ 95123	Erwin Garcia
264	Edward Pham	2444 Fairplay Dr San Jose 95125	Edward Pham
265	DEN LUZU	662 HEATH ST. MILPITAS 95031	D. Luzu
266	NIKOS VOLAVANIS	#435 3964 Rivermark Plaza SC	Nikos Volavanis
267	Shih Pecher Sahi	60225 Santa Clara, San Jose CA	Shih Pecher Sahi
268	Amel Shachetford	5839 Killomney Circle SJ 95128	Amel Shachetford
269	Morris Lin	3952 Mosher Dr San Jose 95135	Morris Lin
270	PAUL GRACIA	776 W 19th St SJ. 95112	Paul Gracia
271	Jos Ruiz	2599 Vista Del Sol SJ 95116	Jos Ruiz
272	Hsiangwei Shien	1259 Dunbar Pl SJ 95137	Hsiangwei Shien
273	Joe Rayon	85 Ridgeview Ave. S.J. 95127	Joe Rayon
274	MARK GHINAZZI	939 ALBA CT SJ. 95127	Mark Ghinazzi
275	RAY TACHLOG	2826 Stonercrest Wy 75133	Ray Tachlog
276	VITTORE LAUREN	3244 GARLAND CT 95135	Vittore Lauren
277	LUCA PACCINIANI	3172 POYENTHO DR 95138	Luca Pacciniani
278	MARIE SIMONEZ	8555 BROADWAY SJ 95127	Marie Simonez
279	Ernie DeLaforte	3135 ST. LOUIS SJ 95116	Ernie DeLaforte
280	TERESA A. GARCIA	0.18866126 55. CA 95161	Teresa Garcia

JUNIOR GOLFERS ONLY

Petition to preserve Rancho del Pueblo Golf Course

Address

Signature

	Print Name	Address	Signature
1	Kalina Wu	5907 Exeter Court	[Signature]
2	Ronnie McDowell	3917 Taubeh Ct	RM
3	Charlie Pecora	6731 Leyland Park Dr	[Signature]
4	Gwin Espinoza	1893 Loma Way	[Signature]
5	<del>Chadwick</del> So	745A LACREUXIME DR.	[Signature]
6	William Wong	885 Lily Avenue	[Signature]
7	Chadwick Wu	5107 Exeter Ct.	[Signature]
8	Bryon Yan	41049 Corrine Lane Fremont CA 94539	[Signature]
9	Jerry Yan Ji	41049 Corrine Terrace Fremont, CA 94539	[Signature]
10	Justin Palomares	5224 VICENZA WAY	[Signature]
11	John Theane	1975 WOODBARK DR SS 95148	[Signature]
12	Christian Kohler	3114 Madalena Ln	[Signature]
13	Trey Phillips	64 South Hillway Street Campbell	Trey Phillips
14	Wynne Chamberlain	580 Chesterfield Ct	[Signature]
15	Ethan Agard	512 Rowell Dr	[Signature]
16	Matthew	3414 Meadowlark Lane	[Signature]
17	Betsy	1145 Alderbrook Lane	[Signature]
18	Nicole	1145 Alderbrook Lane	[Signature]
19	John	15126 Downs Ave S. Jose CA	[Signature]
20	Grace		[Signature]

JUNIOR GOLFERS ONLY

Petition to preserve Rancho del Pueblo Golf Course

Print Name

Address

Signature

- 21 Nick Molinaro  
1710 Sweetbriar Dr.  
Nick Molinaro
- 22 Austin Sorens  
1705 Sweetbriar Pl  
Austin Sorens
- 23 Yessenia Lopez  
537 Sanders Ave  
Yessenia Lopez
- 24 Claudia Velazquez  
1900 Kammeres Av.  
Claudia Velazquez
- 25 Julia Gallo  
3605 Warner Dr San Jose  
Julia Gallo
- 26 Chadmond Wu  
5107 Exeter Ct.  
Chadmond Wu
- 27 Lisa Ramirez  
3324 Quetzote Dr  
Lisa Ramirez
- 28 China Martin  
3565 Sierra Road  
China Martin
- 29 Susan Lathovic  
2295 Siskiyun Dr  
Susan Lathovic
- 30 Nicholas Ngai  
PO Box 112522 Campbell  
Nicholas Ngai
- 31 Victoris Ngai  
PO Box 112522 Campbell Victoria  
Victoris Ngai
- 32 Arya Pandit  
10420 Lansdale Ave  
Arya Pandit
- 33 Snachi Pandit  
6165 Shadygrove Drive, Cupertino, CA  
Snachi Pandit
- 34 Piyon Aroumzi  
1130 LOCHINVAR AVE APT. 103 SUNNYVALE  
Piyon Aroumzi
- 35 Kucules menses  
11081 Whittier Ave SF 95116  
Kucules menses
- 36 Isabelle Quintes  
3128th D Lomas Ave SF CA 94027  
Isabelle Quintes
- 37 Kelly Yui  
2420 Rossetto Drive San Jose CA 95128  
Kelly Yui
- 38 Rajat Palsin Saini  
3728 Yellowleaf Ct SS CA 95135  
Rajat Palsin Saini
- 39 Yuvraj Gill  
2671 Verbu Vista  
Yuvraj Gill
- 40 Kevin Fu  
Kevin Fu
- 41 Kunal Shelia  
4076 Lomasmt Court  
Kunal Shelia
- 42 Joan Tashman  
170 West Tashman Dr  
Joan Tashman

Petition to preserve Rancho del Pueblo Golf Course

JUNIOR GOLFERS ONLY

Address

Signature

Print Name	Address	Signature
41 Ethna Chen	7514 Holladay Pl	Ethna Chen
42 ISABELLA CASTRO	2581 SIMPSONMENTS DR	Isabella Castro
43 Daniel Paatpation	2739 carastonway	Daniel
44 Tyler wang	961 college	Tyler
45 Daniel chan	1288 Pettington Way	Daniel
46 Nolan Lovarubias	1433 Jeffrey ave	Nolan
47 Dean Do	771 LAURELHURST DR. 94089	
48 VIJAY SHIMGA	4238 Sierra Court	Vijay Shimoga
49 Isabella they	352 west court	Isabella
50 Ryan Gates	1378 Kenan Way	Ryan Gates
51 Devika Das	5978 Allen Ave.	Devika Das
52 Ariel Camarillo	2169 Milano Dr	Ariel Camarillo
53 Elliot	5007 Kell...	
54 KENDRA	450...	Kendra
55 Mathew Bios	1420...	Mathew Bios
56 Kelli Deen Bohers	4700 Leno Courts Ct.	Kelli Deen Bohers
57 Christian Ivan	5019 CALE DR 125 ESTERDA ST	Christian Ivan
58 John	408...	John
59 Samuel Eschenhards	1939 Rosebud Ct	Samuel
60 Ramon Gomez III	3549 Rowley Dr	Ramon

Petition to preserve Rancho del Pueblo Golf Course

JUNIORS

date	Print Name	Address	Signature
5/14/11	Yuta Hishimoto	1487 1984 Artrium Dr.	Yuta Hishimoto
8/4/11	Cecille Ruiz	2018 Ferginore Ct. San Jose CA 95131	Cecille Ruiz
8/5/11	MIKE PIVESA	1165 DORALEE WAY STCA 95125	
8-5-11	Kathy Spencer	1165 Doralee Way San Jose 95125	Kathy Spencer
8-5-11	Kevin Tran	3373 Eschscholtz Dr. 95148	Kevin Tran
8-5-11	ERIC LIP	3952 Nether Dr. San Jose 95135	Eric Lip
8-5-11	Gabriel charz	705 Rockisland Ave 75036	Gabriel Charz
8-6-11	Chass Green	536 Reservoir Ave 95128	
8/6/11	Alvaro Vazmontel	1033 Kroy Linton Ct. 95162	Alvaro Vazmontel
8/6/11	Benjamin Lucea	662 Health & Milpitas 95035	Benjamin Lucea
8/6/11	Robert Marquez	1976 Bates Rock street Hills	Robert Marquez
8/6/11	Samantha Flyer's	1078 Broadway Ave 95125	Samantha Flyer
8/6/11	Kira Zhang	3358 Denzense ct. 95148	Kira Zhang
8/6/11	Amelie Licea	738 HARDING AVE	Amelie Licea
8/6/11	Evans Pham	2444 Fairglen Drive 95125	Evans Pham
8/6/11	Kristen Liles		
8/6-11	Anvi Surapaneni	840 Phoenix Ct Fremont CA	Anvi
8/6/11	Inez Ramirez	174 Flegging Ct	Inez Ramirez
8/6/11	Chandra Pham	2444 Fairglen Drive 95125	Chandra Pham

Petition to preserve Rancho del Pueblo Golf Course

JUNIORS

Address

Print Name

date

Signature

81	8/9/11	Mary Forster	5361 Cobay Green Dr.	Mary Forster
82	8/9/11	Molly Marsh	6281 Tweedholm Ct.	Molly Marsh
83		TRUDY HIGGINS	3010 NICHOLS BRIDGE CT.	Trudy Higgins
84	8/9/11	CARLOS LOYA	1511 HERMOCILLA WAY SJ 95116	
85	8/10/11	Abram Diaz	1068 Languique SJ 95122	Chalraban
86	8-10-11	Cameron Merza	3615 Sweet Brook Ct. San Jose CA 95111	Cameron Merza
87				
88	8/10/11	Adrian Rey	387 EDUCATIONAL PK DR SJCAYSISS	Adrian Rey
89	8-12-11	ADRIAN BECERRA	1010 BELINDHAM DR.	
90	8-14-11	SABRINE SCUTTSACK	4038 NAOMI COURT	J.N.A. F.R.
91	8-14-11	Melba Miaz	13600 Chantrelle San Jose CA 95127	Melba Miaz
92	8-14-11	Juliana Ceron	3238 Yellow Leaf Ct	Juliana
93	8-15-11	Andrew Chan	2557 Elliott St. San Jose CA 951315	Andrew Chan
94	8/15/11	Rutina Ocaña	6304 MOUNTFORD De San Jose CA 95122	Rutina Ocaña
95	8/15	Alex Patel	815 State St SJ, CA, 95110	Alex Patel
96	8/15	Aaron Raudenbush	100 Wintonbury Blvd	Aaron Raudenbush
97	8/15	Hsiu Chien	6957 Grandwood Way San Jose 95126	Hsiu Chien
98	8/15	CHUCK HÄGERMAIER	1052 CUMMER PT SJ	Chuck Hägermaier
99	8-17	Pablo Sanchez	2669 MEYHART AVE	Pablo Sanchez
100	8/15	Noshaba Afzal	1473 Hermocilla Way, San Jose	Noshaba Afzal

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161	8-6-11	Kevin Tran	3573 Rye Chase Dr 95148	Kevin Tran
162	8-6-11	CUES GARCIA	574 PACIFIC AVE 95128	[Signature]
163	8-11-11	Anthony Alford	665 Palo Verde Ave 95125	[Signature]
164	8-15-11	Max Sluoy	14614 Rivas Ct 95127	[Signature]
165	2/15/2011	MAIGAN VO	5375 Ciudad Leon Ct, San Diego CA 92128	[Signature]
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