



November 15, 2016

Planning Commission
City of San Jose

RE: Agenda Item 7.a. GP 16-003

Dear Chair Abelite and Commissioners,

The Santa Clara Valley Audubon Society and Sierra Club-Loma Prieta Chapter are supportive of staff recommendation to deny the General Plan Text Amendment GP16-003 (GPA) due to inconsistencies with the San Jose 2040 General Plan. Because a Negative Declaration is inadequate for this project, we ask that staff does not adopt a resolution to approve the Negative Declaration. An EIR is needed for the following reasons:

1. DISAGREEMENT AMONGST EXPERT OPINIONS WARRANTS THE COMPLETION OF AN ENVIRONMENTAL IMPACT REVIEW.

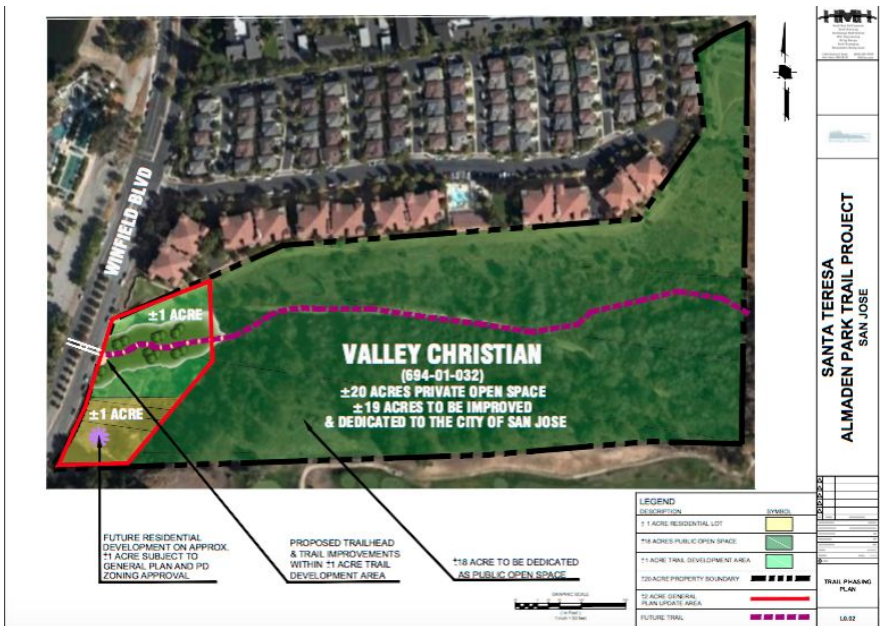
We have presented substantial evidence supported by expert and public opinion that the subject site serves as an important biological resource for wildlife. Regional Expert Tanya Diamond of Pathways for Wildlife's professional opinion letter concludes that the finding of no significant unavoidable impact to wildlife movement is unsubstantiated and cannot be made without additional, site-specific studies. She explains that studies "involving monitoring wildlife movements via a camera survey and wildlife tracking must be conducted" to support the City's opinion that this project will not impact a significant and unavoidable impact to wildlife movement or cause an increase in human-wildlife conflicts in the area. According to CEQA, when experts disagree over the significance of an impact, the leading agency is to treat the impact as significant and prepare an Environmental Impact Report. Ms. Diamond's opinion letter supports our fair argument that additional studies are needed before the City can find that no significant, unavoidable impacts could result from this project.

2. THE INITIAL STUDY AND NEGATIVE DECLARATION DO NOT INCLUDE A COMPLETE PROJECT DESCRIPTION AND CONSTITUTES PIECEMEALING UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

2.1 We continue to believe that the general plan amendment, rezoning, and project approval should be done all at the same time and maintain that declaring that the GPA will not cause any significant impacts ignores the fact that the remainder of this development project is not only a foreseeable result of this GPA, it is a result that could not occur but for approval of this GPA. The GPA, the future rezoning, and the eventual development are all part of a single project, and breaking that project up into separate actions constitutes improper piecemealing of the project under CEQA. We ask for the completion of an EIR to allow for full disclosure of ALL future development on the subject site and the trail on the remainder 18-acres of open space.

2.2 The project description and analysis do not include the extension of the existing trail all the way to Santa Teresa Park as presented to the public in Figure 1. Our organizations are not inherently opposed to the development of this trail connection, but we ask for full disclosure in the project description as well as analysis, evaluation, and if needed, mitigation of potential impacts. Tree removal and parking associated with a new/improved trail, retaining walls and other foreseeable infrastructure elements and construction should be disclosed, evaluated and mitigated.

Figure 1: The alignment of the proposed trail (purple dotted line) includes a new trail section between the existing trail and Santa Teresa Park



3. WE HAVE PROVIDED SUBSTANTIAL EVIDENCE THAT THIS GPA WILL CREATE SIGNIFICANT NEGATIVE IMPACTS THAT MUST BE EVALUATED.

3.1 Visual impacts

Over a thousand people – neighbors as well as users of the Los Alamitos trail- signed various petitions identifying the development of homes at this site as a significant visual impact that

would violate their sense of place, degrade one of the last remaining views of a natural landscape, and damage their enjoyment of recreating on Los Alamitos Trail and in Almaden Park. The potential loss of the natural hillside views and habitat, and views of deer and other wildlife at the Project site, must be considered a significant, unavoidable impact. Offering to construct homes that comply with City Residential Development guidelines, Outdoor Lighting Policy and other aspects of City's architectural and site design review cannot mitigate for the loss of open space and wildlife views that is so valued by the community. Furthermore, City staff concluded that the Project is inconsistent with the City's Policies governing Hillside/Rural Preservation¹. The finding of no significant impacts cannot be made.

3.2 Geological impacts

The General Plan amendment is premature since the full analysis of potential landslides and geologic hazards has been deferred. Staff report warns, "the subject site is located in a landslide hazard area and a Geologic Hazard Clearance would need to be approved by the City prior to the approval of any development"³. The response to comments defers the preparation of geotechnical investigation, and states, "... structural designs for the proposed development will account for repeatable horizontal ground accelerations." It is possible that the geotechnical investigation, when it is conducted in the future, should find significant unavoidable impacts of repeatable horizontal ground accelerations.

4. THE GPA SHOULD BE SET ASIDE BECAUSE IT IGNORES PREVIOUS COMMITMENTS BY THE CITY AND THE LANDOWNER

The response to our comments explain that the set aside of 20 acres was not a mitigation required by CEQA. We have repeatedly asked staff to share the EIR for the 1984 GPA that allowed the clustering of development on 10 of 30 acres, Staff had not been able to find the EIR, and so the proposal that "... is not supported by evidence. The City must require that the landowner execute an open space easement on the 20 acres, to ensure that attempts to renege on this commitment do not repeat in the future.

Thank you,



Shani Kleinhaus, Ph.D.
Environmental Advocate
Santa Clara Valley Audubon Society



Michael Ferreira
Executive Committee Chair
Sierra Club-Loma Prieta Chapter

¹ Staff report, page 6 <http://www.sanjoseca.gov/DocumentCenter/View/62415>