



November 30, 2012

John Davidson, Senior Planner
Department of Planning, Building and Code Enforcement
City of San Jose

Re: PDC12-010, Sabatino Rezoning, Draft Mitigated Negative Declaration Comments

Dear Mr. Davidson,

The Loma Prieta Chapter of the Sierra Club works to protect and improve streams and their aquatic, riparian and upland habitats through conservation, restoration and comprehensive management of runoff in a watershed context. We believe that preserving floodplain functions and proper siting of development within and adjacent to riparian corridors is critical to minimize flood hazards and promote riparian habitat health.

The Upper Penitencia Creek (UPEN) Watershed is one of the healthiest urban riparian corridors in the County. Recent and planned improvements will result in improved riparian and fish habitat and improved flood control. The City is planning on adopting a Riparian Corridor Ordinance with improved regulations for floodplain development, riparian habitat protection, and climate change resilience. Now is not the time to needlessly intensify development next to this valuable natural resource. We believe the City should want to preserve the potential for UPEN to provide biodiversity and open space and to mitigate flooding and climate change impacts.

Therefore, we are very concerned about the quality of the subject Mitigated Negative Declaration and Initial Study. Given the sensitive resources and substantial risks associated with the proposed Project, these documents do not include the appropriate level of information, analysis, and mitigation for impacts to aesthetics, biological resources, geology and soils, hydrology and water quality, and land use and planning. Without a grading plan, erosion control plan, stormwater quality plan, habitat mitigation and monitoring plan, tree removal and planting plans, and access control plan, the impact of the proposed Project cannot be fully understood or mitigated.

The attached comment letters clarify the need to analyze these plans and the need to analyze floodplain displacement and flood hazards. The letters also suggests more comprehensive analysis of the larger context and cumulative impacts and request additional approving agencies to insure compatibility with ongoing flood control and habitat improvement projects. We do not want to have to challenge the City for insufficient environmental analysis/mitigation or ignoring cumulative and growth-inducing impacts within the larger context of the proposed Project.

Please update this environmental document to include analysis of the aforementioned plans and to analyze and mitigate for the full impact of the proposed Project on riparian habitat, flood control, erosion, and land use and planning. To provide the public with the opportunity to understand and comment on the true environmental impacts of this Project, you must update the Sabatino Rezoning Draft Mitigated Negative Declaration and Initial Study and re-circulate the document for further review.

Feel free to contact me if you have any questions. We appreciate your sincere consideration of our comments and concerns.

Sincerely,



Katja Irvin
Chair, Water Committee
Sierra Club, Loma Prieta Chapter

Enclosures (2)

Cc: City of San Jose, Council District 4, Kansen Chu
City Clerk, City of San Jose
Joseph Horwedel, Director of Planning, Building and Code Enforcement
Laurel Previtti, Assistant Director of Planning, Building and Code Enforcement
Mike Enderby, Senior Planner
Jeff Roche, Project Planner

**PDC12-010 Draft Mitigated Negative Declaration (MND)
Sierra Club Loma Prieta Chapter Comments**

1. MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL (MND pgs. 1-4)

In light of potential impacts on the flood zone and riparian habitat, the proposed mitigation measures are clearly insufficient. The proposed Project has potentially significant impacts on flooding and riparian habitat restoration projects underway along Upper Penitencia Creek (UPEN) and therefore additional mitigations are needed as detailed below. Furthermore, *all mitigation measures proposed in the Initial Study (IS) should be included in this section, including construction practices to mitigate air quality impacts and requirements for pre-construction surveys and a Habitat Mitigation and Monitoring Plan to mitigate biological resources impacts.*

IV. BIOLOGICAL RESOURCES

Mitigation BIO-1: Riparian setback exceptions should not be allowed while important studies and policy decisions are pending such the City of San Jose Riparian Corridor Ordinance scheduled for consideration in 2013. If all issues regarding this project can be resolved, *it is important that any monitoring period begin from the date when final occupancy and all Conditions of Approval are met for the Project, not from first certificate of occupancy.* This will encourage adherence to Project conditions throughout the construction and approval process.

Mitigation BIO-1.1 Enhancement of Riparian Area with Native Plantings Prior to Occupancy: More information is required to assess the impacts to be mitigated. *Tree removal and planting plans are needed to assess the full impacts of the Project. It is also important these plans be stamped by a certified landscape professional.* Delaying plans for tree removal and replacement means that vital information is not included in the environmental analysis. It is important to evaluate the impacts of tree removal during construction and the effectiveness of planned tree planting in mitigating these impacts. Furthermore, *mitigation measures should require that debris removal is minimized to remove only hazardous debris and minimize exposure of bare soils.* The IS must fully evaluate potential erosion impacts during construction and early occupancy of the proposed Project, including analysis of grading plans that detail cut and fill, as well as debris removal techniques. This mitigation measure should be reworded with specific requirements once these plans are fully analyzed.

Mitigation BIO-1.3 Monitoring of the Riparian Enhancement Area for 5 Years: *A draft Habitat Mitigation and Monitoring Plan is needed to assess the full impacts of the project.*

Other Mitigation Measures Required: Once the proposed Project is fully analyzed, it is likely additional measures will be required to mitigate for the Project's impacts. Our comments below detail the need to analyze cumulative impacts and ongoing flood control and habitat restoration efforts along the UPEN watershed. If other issues can be resolved, *this project should include mitigation measures to: 1) restore steelhead habitat; 2) accommodate floodplain displacement and flood hazards; and 3) prevent potential growth inducing impacts.*

2. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (IS pg. 1)

The information provided in the MND/IS does not properly reflect the importance of other activities occurring along UPEN. The Santa Clara Valley Water District (SCVWD) is currently leading a major flood control project to improve UPEN to ensure flood protection from a 100-year flood event ([http://cf.valleywater.org/Water/Watersheds - streams and floods/Watershed info & projects/Coyote/ Project pages/Upper Penitencia.shtm](http://cf.valleywater.org/Water/Watersheds_-_streams_and_floods/Watershed_info_&_projects/Coyote/Project_pages/Upper_Penitencia.shtm)). The project extends from the confluence with Coyote Creek to Dorel Drive, including the subject site. Participating agencies include the U.S. Army Corps of Engineers, the County of Santa Clara, and the Santa Clara Valley Transportation Authority. Furthermore, UPEN is a water of the United States and the State and therefore is under jurisdiction of the Army Corps of Engineers and the California Department of Fish and Game.

A lot of time and money have been invested in projects to improve stream flow and riparian habitat along UPEN, primarily to improve fish passage for the federal and state protected Central California Coast Steelhead. One recent example is the Cooperative Agreement with Santa Clara Valley Transportation Authority for Riparian Improvements in Upper Penitencia Creek in Alum Rock Park (City of San Jose, November 2011). *Potential impacts of the proposed Project on these improvements must be fully analyzed to be sure the Project supports and does not hinder efforts to restore UPEN and save the steelhead population.*

The proposed Project could impact these ongoing flood control and habitat restoration projects and *it is important to include SCVWD as an agency whose approval is required for this environmental review. It would also be appropriate to include the Army Corps of Engineers since this agency had substantial interest in flood risk management, and to include the California Department of Fish and Game since this agency has substantial interest in protection of endangered, rare or threatened species.* If impact on the creek is determined, National Oceanic and Atmospheric Administration (NOAA) Fisheries should also be consulted due to the potential impact on steelhead habitat. These agencies must have the ability to propose mitigation measures for potentially significant flooding and habitat impacts.

3. DETERMINATION (IS pgs. 1-2)

Once proper environmental analysis of the project is complete, the correct determination can be established, whether that is a MND or an Environmental Impact Report.

4. I. AESTHETICS (IS pg. 3)

A rendering of the proposed Project is needed to evaluate the aesthetic impact of the project within this riparian corridor and within the neighborhood. This evaluation should also consider the likelihood that the remaining two parcels in the flood zone along Maybury Road will be developed in a similar manner. Allowing the proposed Project opens the door for those parcels to be developed, especially given the well-known “me too” culture of San Jose development politics. Exhibit 1 shows the parcels vulnerable to intensified development.

5. IV. BIOLOGICAL RESOURCES (IS pgs. 6-12)

The Appendix, Biotic Evaluation, 5/4/12 prepared by Live Oak Associates, Inc. (Biotic Evaluation) has some errors and omissions that cannot be overlooked. Incorrectly, the entire analysis is predicated on the assumption that simply because this project is “redevelopment” of a developed site, there will not be any impact on Upper Penitencia Creek (Biotic Evaluation, pg. 25). This simplified assumption does not take into account that the proposed Project is an intensification of development in a flood plain, replacing buildings constructed in 1964 when development regulations still allowed such inappropriate projects.

In addition, the Biotic Evaluation characterizes the project as downtown urban infill that merits an exception to general plan setback policies for riparian corridor development (Biotic Evaluation, pg. 29). In fact, the project is not in downtown and is largely surrounded by open space (except for Maybury Road). Equally inappropriate large lot single family homes continue in the flood plain along Maybury Road, and some single-family homes are located one block west beyond a road on the other side of UPEN. Exhibits 2 – 5 show the open space nature of the area surrounding the site.

Biotic Habitats

This analysis states that “the on-site reach of the creek is a manipulated channel with no deep pools, with a significant portion of the creek banks lined with cement.” This is restated from the Biotic Evaluation (pg. 7) but that document does not site any sources to support that evaluation. In fact, the photos in Exhibits 6 – 8 show little cement and fair potential for deep pools in this reach. *This analysis should be reviewed by independent experts and the appropriate reviewing agencies. The habitat may be “slightly degraded” as described, but that should not automatically allow intensification without mitigation.*

The analysis further states “that the upland portion of the site lacks the intrinsic factors necessary or desirable for the regular and predictable movement of h species through it in order to meet ecological requirements.” *Focusing the analysis on this small site in its current condition is insufficient. The surrounding open space and substantial potential for this site to contribute to upland habitat must be discussed. As described above, the site is not really urban infill and should not be analyzed as such. It must be analyzed as isolated single-use intensification in an urban open space area, and biotic habitat mitigations must be reconsidered in that context.*

Special Status Species

This analysis states “that although the upland portion of the project site provides some habitat for regional wildlife populations, it is not of unique or significant value to those populations, and that development of the site will not result in fish or wildlife populations dropping below self-sustaining levels or threaten to eliminate an animal community.” However, it must be restated that the report also categorizes this project as downtown urban infill and assumes there will be no impact on the riparian corridor simply because the site is now occupied by two single-family homes and some green houses.

The *San Francisco Estuary Watersheds Evaluation* (August 2007) identifies UPEN as one of nine streams in Santa Clara County “that should be considered essential steelhead resources of the San Francisco Estuary” (www.cemar.org/steelhead_sfew.html). *If it is determined the project will impact the potential for UPEN to become prime habitat for Steelhead, the Project should provide mitigation to restore/improve Steelhead habitat. Ideally, this mitigation would expand the scope of the SCVWD flood control project to improve the stream channel and habitat for this species of special concern.*

The underlying assumptions of the environmental analysis are not valid. When the larger context is considered, this intensified residential development should not happen (the context is clear on the Zoning and General Plan map exhibits in the IS). If the City does not have the conviction to deny the proposed Project, the Project must mitigate for impacts within the larger context and contribute to ongoing efforts to improve this reach of UPEN for special status species.

Riparian Corridor Policy

This analysis states the following reasons for an exception to the 100-foot setback requirement in the Riparian Corridor Policy: “the project’s location within approximately two miles of downtown San Jose, the highly irregular shape of the subject site and its disproportionately long riparian frontage, and the possibility that the project could include a restoration plan to improve and extend the riparian corridor by eradicating non-native understory species and planting local vegetation.” The analysis then refers to the Biotic Evaluation, saying “that a reduced setback would not significantly reduce or adversely impact the riparian corridor, that there is no evidence of streambank erosion or previous stabilization efforts that could be negatively affected by the proposed development, and that the granting of an exception would not be detrimental or injurious to adjacent and/or downstream properties.” Furthermore, “future site development could incrementally increase the value of this particular reach of riparian corridor over existing conditions by plantings of riparian trees and shrubs within the 50-75 foot setback area, by managing the riparian corridor by restricting human access, and by regular trash removal.”

There are many problems with this analysis. *First, it is irrelevant that the site is within two miles of downtown. The irregular shape of the parcel should also be irrelevant when analyzing riparian corridor impacts. Although there is no evidence of erosion in the past, the potential for erosion from ground scraping and filling for the proposed Project must be analyzed, as well as the potential for these activities to impact adjacent and downstream properties in case of flooding. More analysis and information related to grading, tree removal, erosion control, tree planting, and restricting access is needed to determine if the Project has potential to improve the riparian corridor.* Restricting human access could also restrict wildlife access. We need to know how these plans and other mitigation measures will impact the riparian corridor. For a standard infill project such information may be not necessary, but this is not a standard infill project.

Jurisdictional Waters

As detailed above, the Biotic Evaluation is based on an unsupported assumption that the proposed Project will not disturb the UPEN corridor. *Additional analysis is needed before it can be determined that the proposed Project is not subject to permits issued by the Army Corps of Engineers.*

Tree Removal

Is it really necessary to remove half of the ordinance sized trees on the site and remove 13 trees within the riparian corridor? The Biotic Evaluation (section 3.2.8, pg. 24) says the City of San Jose Tree Ordinance “requires that a formal tree survey be conducted which indicates the number, species, trunk circumference, diameter and location of all trees which would be removed or impacted by the project.” However, the tree survey information provided with the IS does not include the location of trees to be removed or impacted by the project, and therefore does not allow for full analysis of the impacts of these tree removals, or to determine if the proposed tree removals are necessary. *Complete results from the tree survey, as well as tree removal and planting plans, must be included to fully analyze the environmental impacts of the proposed Project.*

Furthermore, if all issues regarding this project can be resolved, it is important that alternative sites and donations are not allowed mitigations for tree replacement for the proposed Project. *Tree replacement must be required on-site to mitigate for impacts to the riparian corridor.*

Habitat Conservation Plan

The IS states that mitigation recommended by the California Department of Fish and Game and U.S. Fish and Wildlife Service is included and “the project will be consistent with the preliminary conservation objectives of the Habitat Conservation (HCP) Plan.” However, neither the IS nor Biotic Evaluation references the recommended mitigation or analyzes consistency with the HCP. *To fully evaluate environmental impacts, the IS needs to explain how the project is consistent with the HCP.*

6. VI. GEOLOGY AND SOILS (IS pg. 14)

The IS claims the site is not located within a liquefaction zone, but the County of Santa Clara GIS (www.sccplanning.org/gisprofile/) shows otherwise. This profile shows the site is within County and State liquefaction hazard zones, indicating a need for additional analysis of geology and soils impacts. In addition, as stated under #7 below, the potential for erosion due to filling a flood plain must be fully analyzed. *Analysis of the grading plan detailing the cut and fill required on the site is needed to fully evaluate the environmental impacts and potential for erosion created by the proposed Project.*

7. IX. HYDROLOGY AND WATER QUALITY (IS pgs. 18-21)

Additional information is needed to fully evaluate the hydrology impacts of the proposed Project. In particular, the analysis does not convince us that mitigation will not be required for the following questions:

- c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?
- g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

- h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

Questions c, g and h need to be more fully evaluated since the proposed Project will be filling a flood plain and setting a precedent for further residential intensification in the flood plain (see comment #4). Question i needs to address flood insurance requirements for future residents. It is likely these residents will consider themselves to be at significant risk if flood insurance is required. *These impacts require analysis of grading plans and additional mitigation should be required – at a minimum to protect the riparian corridor and streambed from impeded or redirected flood flows caused by filling the floodplain.*

Flooding and Drainage

To say the proposed Project must elevate the lowest floor above the flood level is not sufficient. How much fill will this require? Geomorphic analysis (drain analysis and channel stability study) must be included to quantify increased storm drain discharge and investigate how this increased flow would impact the existing channel. We believe the surface drainage will increase and may require a new storm drain outfall into the creek, and the increased storm drainage discharge may cause erosion and degradation downstream. *Filling this location in the floodplain could have significant environmental impacts and therefore this IS must include geomorphic analysis informed by grading, erosion control, and stormwater quality plans and must include mitigation measures to main channel stability as needed.*

Construction Measures

Sedimentation “may have contributed to anadromous fish declines in California and in Upper Penitencia Creek” (*Upper Penitencia Creek Limiting Factors Analysis*, August 2006). The proposed Project should be evaluated along with all other planned projects in the UPEN watershed to assess the cumulative impacts of sedimentation on riparian health and Steelhead habitat. Due to the sensitivity of the site, the specifics of the Storm Water Pollution Prevention Plan must be included in this environmental analysis. *Specific information about runoff mitigations and cumulative impacts to UPEN must be provided to fully evaluate the hydrology impacts of the proposed Project.*

X. LAND USE AND PLANNING

This analysis omits several possible conflicts with applicable plans, policies and regulations. SCVWD flood control plans, habitat restoration plans, and the *Stream Ecosystem Condition Profile: Coyote Creek Watershed* published in May 2011 (www.valleywater.org/Services/Healthy_Creeks_and_Ecosystems/Watershed_Information/Coyote/Coyote_Creek_Watershed_Stream_Condition_Profile.aspx) are not referenced in the evaluation.

In addition, more consideration must be given to the following General Plan strategies, concepts, and policies in the analysis of this project:

- Major Strategy #3 Focused Growth – Focus new growth capacity in specifically identified “Growth Areas,” while the majority of the City is not planned for additional growth or intensification. This approach reflects the limited availability of additional “infill” sites for development compatible with established neighborhood character, and the emphasis in the Plan Vision to reduce environmental impacts while fostering transit use and walkability.
- Growth Areas Concept – The City should limit intensification within existing neighborhoods, focusing new growth into the Growth Areas to protect the quality of existing neighborhoods.
- Mixed Use Neighborhood Land Use Designation – This designation should be used to establish new neighborhoods with a cohesive urban form, to provide transition between higher-density and lower-density neighborhoods, or to facilitate new infill development within an existing area that does not have an established cohesive urban character.
- MS-20.3 – Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality.
- EC-5.2 – Allow development only when adequate mitigation measures are incorporated into the project design to prevent or minimize siltation of streams.
- EC-5.3 – Preserve designated floodway areas for non-urban uses.
- EC-5.4 – Develop flood control facilities in cooperation with the Santa Clara Valley Water District to protect areas from the occurrence of the “1%” or “100-year” flood.
- EC-5.7 – Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
- EC-5.10 – Encourage the preservation and restoration of urban creeks and rivers to maintain existing floodplain storage.
- EC-5.11 – Where possible, reduce the amount of impervious surfaces as a part of redevelopment and roadway improvements through the selection of materials, site planning, and street design.

Conclusion

Because the site of the proposed Project is inhabited by several listed species and includes a major creek with sensitive habitat and flood mitigation resources, and because the changes will result in a significant number of additional units at densities above those typical to the immediate area, there is a reasonable possibility that the Project will have a significant impact on the environment.

Photo Exhibits

Exhibit 1. Additional Flood Zone Parcels Vulnerable to Intensified Development



Exhibit 2. Open Space Surrounding the Proposed Project



Exhibit 3. Open Space Surrounding the Proposed Project



Exhibit 4. Open Space Surrounding the Proposed Project



Exhibit 5. Open Space Surrounding the Proposed Project



Exhibit 6. Onsite Reach of Upper Penitencia Creek



Exhibit 7. Onsite Reach of Upper Penitencia Creek

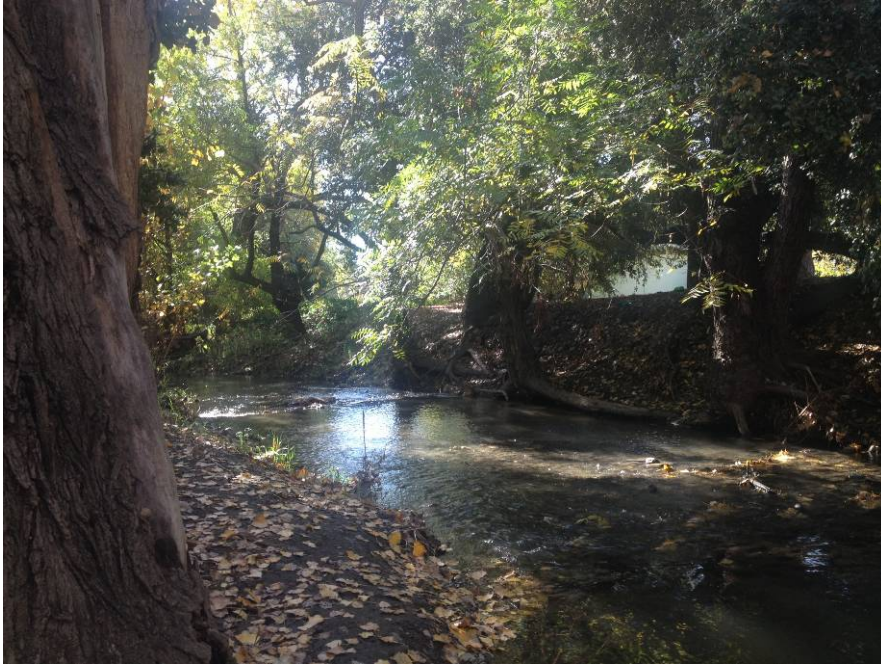


Exhibit 8. Onsite Reach of Upper Penitencia Creek





November 8, 2012

Jeff Roche, Project Manager
Department of Planning, Building and Code Enforcement
City of San Jose

Re: PDC12-010 and PD12-037, APNs 254-05-046, -048, & -049

Dear Mr. Roche,

The Sierra Club Loma Prieta (SCLP) Chapter works to protect and improve streams and their aquatic, riparian and upland habitats through conservation, restoration and comprehensive management of runoff in a watershed context. Preserving floodplain functions and proper siting of development within and adjacent to riparian corridors is critical to minimize flood hazards, promote riparian habitat health, steelhead habitat, and water quality.

According to a letter dated October 24, 2012, comments on this project must be submitted no later than November 8, 2012. Therefore, we are writing to voice our concerns about this project, especially at this time before the City of San José has adopted a Riparian Corridor Ordinance with improved regulations for floodplain development, riparian habitat protection, and climate change adaptation and resilience. We believe the City should want to preserve the potential for Upper Penitencia Creek (UPC) to provide biodiversity and open space and to mitigate flooding and climate change impacts.

Therefore we request the Planning Department and City Council apply an appropriate level of CEQA analysis and mitigation of the potential impacts of the subject proposal. Please also consider the following points regarding these impacts.

1. Flood plain development and flood control

- Envision San José 2040 says, “San José’s regulation of development is a vehicle for requiring the dedication of waterways to the City or the Water District, preservation of floodplains ...” Specifically, Goal EC 5 aims to protect the community from flooding and inundation and preserve the natural attributes of local floodplains and floodways.
- This site is an integral part of the Upper Penitencia Creek floodplain that serves to attenuate flood flows, preserve channel stability and prevent habitat losses. Virtually the entire site is within a liquefaction hazard zone and within FEMA Flood Zone A. Special attention must be paid to follow guidelines recommended by SCVWD, FEMA, and DWR (Envision 2040 Policy IN 3-13).

- Elevating structures above the flood plain will require substantial, unnecessary movement of dirt in an area better suited for open space, habitat, and environmental education. All grading that will occur should be fully analyzed for potential environmental impacts.
- Preserving the floodplain would protect the Berryessa Planning Area including the future BART station and associated mixed-use development (true transit-oriented development).
- The impact of the proposed project on the UPC Flood Protection Project (Santa Clara Valley Water District and Army Corps of Engineers) needs to be analyzed in detail and all resource agencies involved in flood control along UPC should be listed as agencies whose approval is required for environmental review, to insure appropriate mitigation measures to prevent flooding impacts downstream.

2. Riparian habitat

- A lot of time and money have been invested in projects to improve stream flow and riparian habitat along UPC, primarily to improve fish passage for the federal and state protected Central California Coast steelhead. One recent example is the Cooperative Agreement with Santa Clara Valley Transportation Authority for Riparian Improvements in Upper Penitencia Creek in Alum Rock Park (City of San Jose, November 2011).
- A Bay Area-wide study identified UPC as one of three streams in Santa Clara County with greatest potential for restoration for steelhead trout populations. Unlike most creeks in the Santa Clara Valley, UPC follows a mostly natural course and does not have concrete or gabion embankments.
- We should not further impact this riparian corridor, especially after so much has been done to restore this creek and save the steelhead population.

3. Climate change and resilience

- Predicted climate change impacts include an increase in major storm events and flooding, and northern migration of species to adjust for warming temperatures. A conservative, long-term approach to streams and wildlife is best in this uncertain situation.
- We must question why the City of San Jose would want to allow such risky, unnecessary projects. There are plenty of other parcels closer to transit where higher-density projects will pencil out and provide greater community benefits without such potential for environmental damage.
- We believe the City of San Jose should better evaluate the hazard protection and natural capital our riparian habitats provide, and avoid developing in such potentially dangerous and damaging locations.

4. Riparian corridor ordinance

- Several environmental groups including the SCLP are encouraging the City to adopt a Riparian Corridor Ordinance to ensure strong development standards and mitigation measures are applied to projects near streams. As part of the ordinance we suggest the City consider developing a Riparian Protection Boundary (a twist on the Urban Growth Boundary) which could provide better environmental protection for streamside projects such as the subject proposal.

- The Riparian Corridor Study (last updated in 1999) should be updated to reflect new approaches to flood control and climate change mitigation/adaptation in the past 14 years.

The Penitencia Creek Watershed is one of the most pristine urban riparian corridors in the County. Recent and planned improvements will result in improved riparian and fish habitat and improved flood control. Now is not the time to go backward and needlessly encroach on this valuable natural resource.

We urge you to consider the potential environmental, infrastructure, and natural capital costs of this proposal and recommend against approval of this project.

We appreciate your sincere consideration of our comments and concerns.

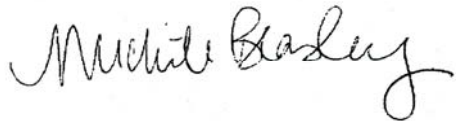
Sincerely,



Katja Irvin
Chair, Water Committee
Sierra Club, Loma Prieta Chapter



Shani Kleinhaus, PhD.
Environmental Advocate
Santa Clara Valley Audubon Society



Michele Beasley
Senior Field Representative, South Bay
Greenbelt Alliance



Alice Kaufman
Legislative Advocate
Committee for Green Foothills

Cc: City of San Jose, Council District 4, Kansen Chu
City Clerk, City of San Jose
Liang Lee, Santa Clara Valley Water District