



COMMITTEE FOR
GREEN FOOTHILLS



CALIFORNIA
NATIVE PLANT SOCIETY

Santa Clara Valley Chapter

February 1st, 2018

Rina Shah, Project Manager
Patrick Kelly, Senior Planner
San Jose Planning and Code Enforcement
City of San Jose

And

Rob Eastwood, Senior Planner
Kim Rook, Senior Planner
Department of Planning and Development
Santa Clara County

Dear Ms. Shah,

Re: Project **CP17-010, proposed Santa Teresa home**

The Sierra Club, Loma Prieta Chapter and the Santa Clara Valley Audubon Society urges the City of San Jose to deny the proposed development of a home on the Santa Teresa ridge (Project CP17-010, Project) because the Project is likely to inflict devastating impacts upon a critically important wildlife habitat linkage. For this and other reasons provided in this letter, we concur with the City's recommendation in Planner Rina Shah's letter to the applicant (10/27/2017, attached) which advises the applicant of its recommendation to deny his application.

Project **CP17-010 (Project)** consists of a family home, garage, retaining wall, well, septic field, and access road on a 17-acre property located at the southern edge of the City of San Jose (City), outside San Jose's Urban Growth Boundary (Green line), on a section of the Santa Teresa ridge that connects the Santa Cruz Range, Santa Teresa County Park, Tulare Hill and the Diablo Range (Figure 1). The property is delineated by the Coyote-Alamitos Canal - a Santa Clara Valley Water District easement (Canal) to the north and is bordered to the south by PG&E property. Coyote Valley and Laguna Seca are located south of the ridge. San Jose General Plan, Envision San Jose 2040, designates the site "Open Hillside". The zoning - Agriculture - may accommodate a residence under certain circumstances, but the site is not residential property. The access road to the home is planned in part on Santa Clara County (County) jurisdiction.

The Project is located on a steep hill, a site visible to the homes in the valley below and from Santa Teresa Blvd. The access road will also be visible because it will require tall retaining walls as it skirts the hillside along the Canal.



Figure 1: Project site

We are greatly concerned because:

1. Encroachment on a critical wildlife habitat and movement linkage

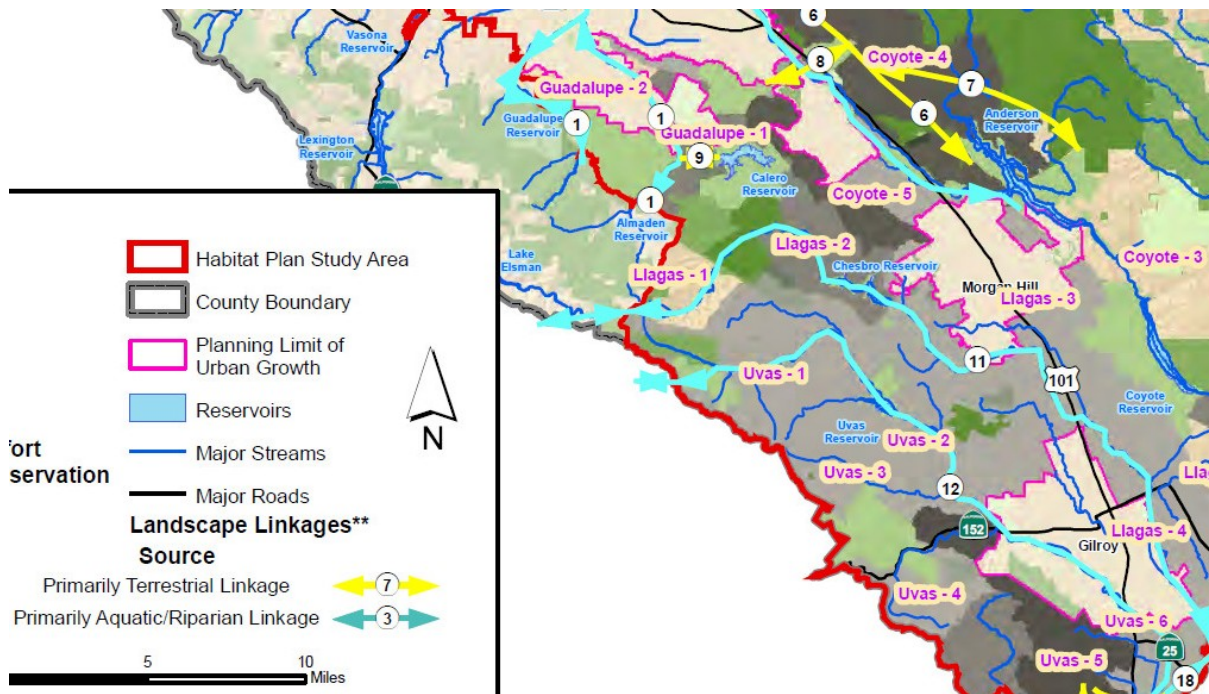
There is ample evidence to show that the site provides a critical habitat connectivity pathway for wildlife moving between Santa Teresa County Park and Tulare Hill. With very few safe east-west links connecting open space between the Santa Cruz Mountains and the Diablo range, this functioning linkage must be preserved and its surroundings protected.

Santa Clara County’s General Plan includes goals, strategies and policies that aim to maintain wildlife migration corridors and habitat linkages. Policy R-RC 51 instructs *“preservation of habitat linkages and migration corridors should be encouraged where needed to allow for species migration, prevent species isolation, and otherwise compensate for the effects of habitat fragmentation.”*

Similarly, Envision San Jose 2040 Goal ER-7 Wildlife Movement directs, *“Minimize adverse effects of future development on wildlife movement and remove or reduce existing impediments to wildlife movement.”* Goal LU-17.7 in the General Plan also directs *“Consider habitat conservation objectives as part of hillside development proposals”*.

The proposed Project will adversely impact a critical, "Primary Terrestrial Linkage", as clearly delineated by the Santa Clara Valley Habitat Plan (VHP, Linkage 8), (Figure 2). This development conflicts directly with the Conservation Strategy of the Valley Habitat Plan, which aims to *“Preserve major local and regional connections between key habitat areas and between existing protected areas”*.

Figure 2: *Habitat linkages. Source: Santa Clara Valley Habitat Plan. The yellow arrow marks east-west Linkage 8 and covers the project site. It is the only functional east-west connection delineated by the Habitat Plan between the San Francisco Bay and Gilroy / Pacheco Pass.*



The recently published Bay Area Greenprint (<https://www.bayareagreenprint.org/>), a collaboration of The Nature Conservancy, Bay Area Open Space Council, American Farmland Trust, Greenbelt Alliance, and GreenInfo Network, also shows the Project site as a critical open-space linkage (Figure 3a), a biodiversity hotspot (Figure 3b) and a very valuable habitat (Figure 3c)

Figure 3a: *Bay Area Greenprint - Critical Linkages*



Figure 3b: Bay Area Greenprint - Species requiring conservation

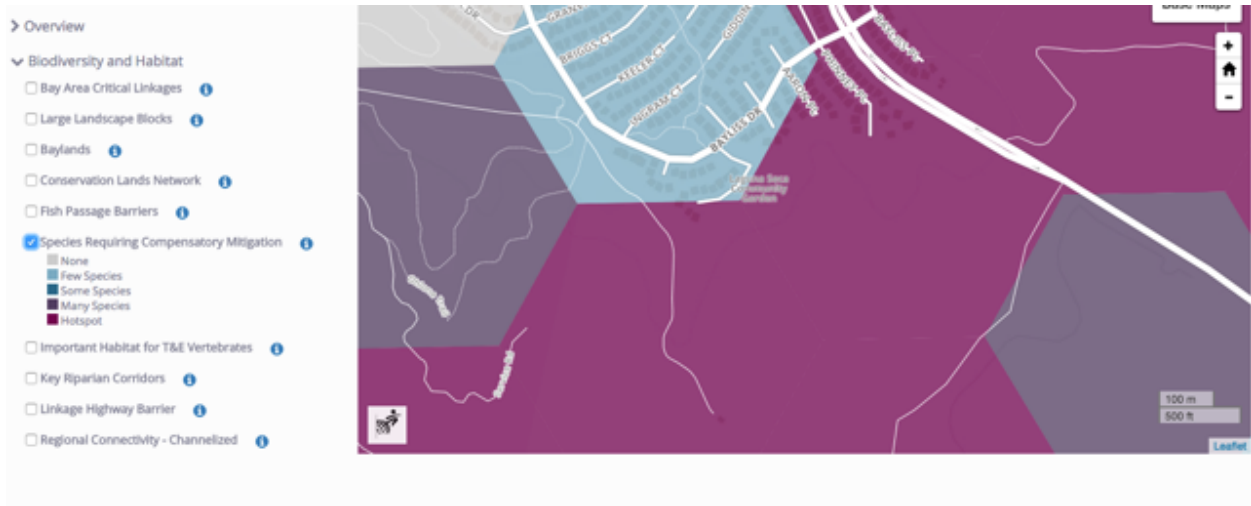


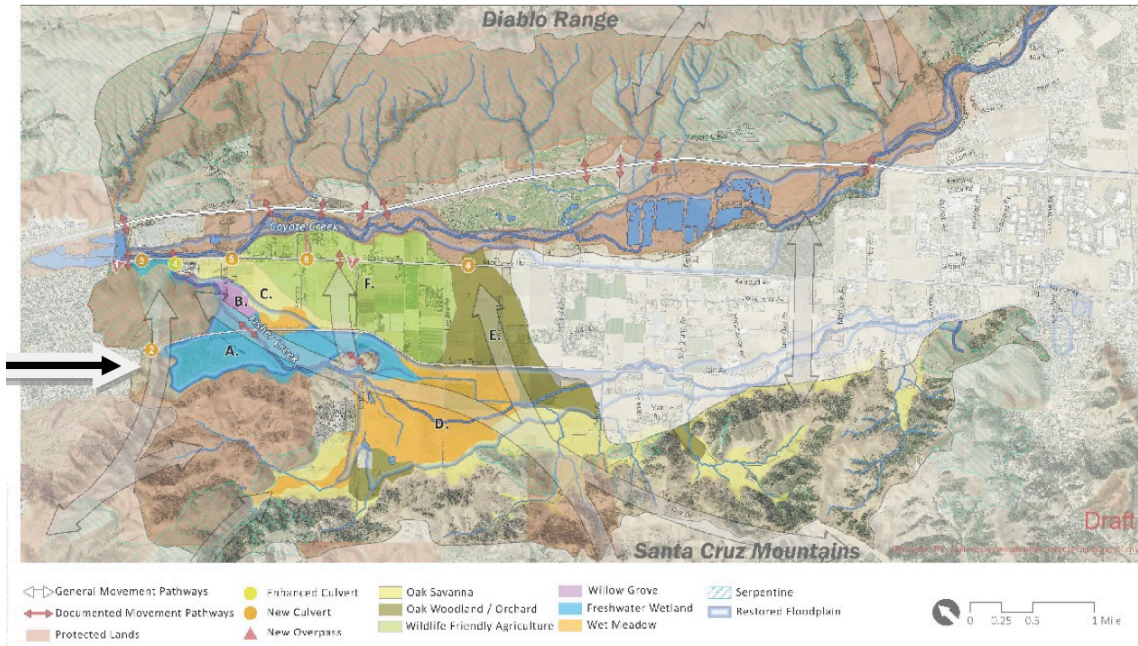
Figure 3c: Bay Area Greenprint – Very valuable habitat



The Santa Clara Valley Open Space Authority (OSA) has recently published their Coyote Valley Landscape Linkage report, identifying critical wildlife linkages between the Diablo Range and Santa Cruz Mountains. The OSA study focused on Coyote Valley south of the Project site, but the linkage map shows the Project site as an important wildlife linkage where improvements to wildlife crossings of Santa Teresa Blvd are recommended by way of an improved culvert (Figure 4).

Figure 4: Wildlife linkages, Open Space Authority of Santa Clara Valley. A faint blue arrow covers the project site. We marked the development site with a black indicating arrow. Source: http://www.openspaceauthority.org/preservation/PDFs/Coyote_Valley_Landscape_Linkage_Map.pdf

Coyote Valley: Landscape Linkage Vision



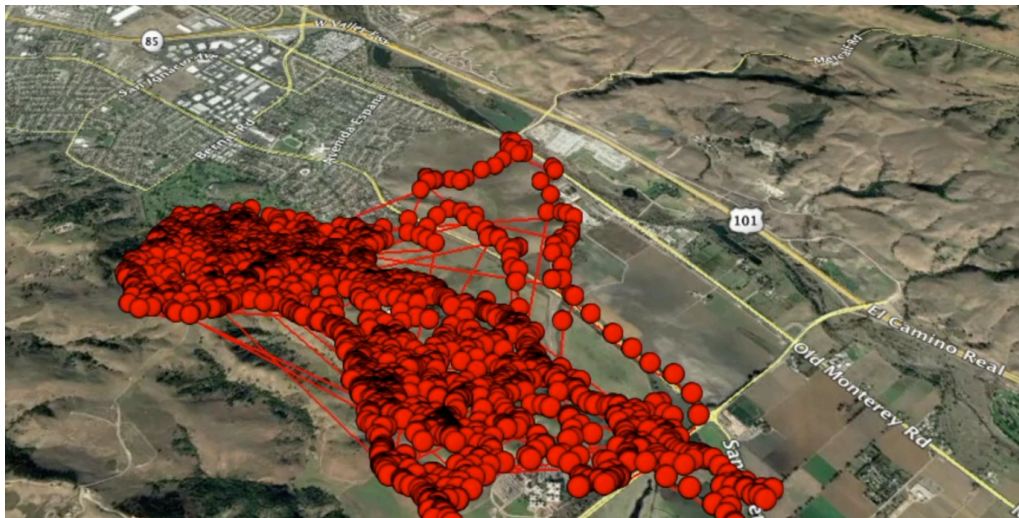
Wildlife movement is especially evident in and along the Coyote-Alamitos Canal which crosses the property. The canal connects east-west, from Monterey Hwy, along the north side of Tulare Hill, under Santa Teresa Blvd and through the Project site to Santa Teresa County Park. Our observations indicate that Black-tailed deer, opossums, turkeys, hawks, owls, bobcats, and coyotes use the Coyote/Alamitos Canal and its surroundings as a critical habitat linkage (Figure 5).



Figure 5: A Coyote using the Coyote Alamitos Canal

In 2017, in an effort to better understand wildlife movement and behavior in Coyote Valley, the Peninsula Open Space Trust and OSA partnered with the Wilmers Lab (at UC Santa Cruz) and Pathways for Wildlife to conduct a telemetry study on bobcats and gray foxes. This study tracks radio-collared bobcats and grey foxes in Coyote Valley. Preliminary results indicate that the culvert under Santa Teresa Blvd and Coyote-Alamitos Canal along the property serve as a critical wildlife crossing, especially when the Fisher Creek culvert to the south is inundated with high water levels. Note the predominance of this bobcat's east-west passage linking the large habitats of the Santa Cruz Mountains and the Diablo Range occur at this site (Figure 6).

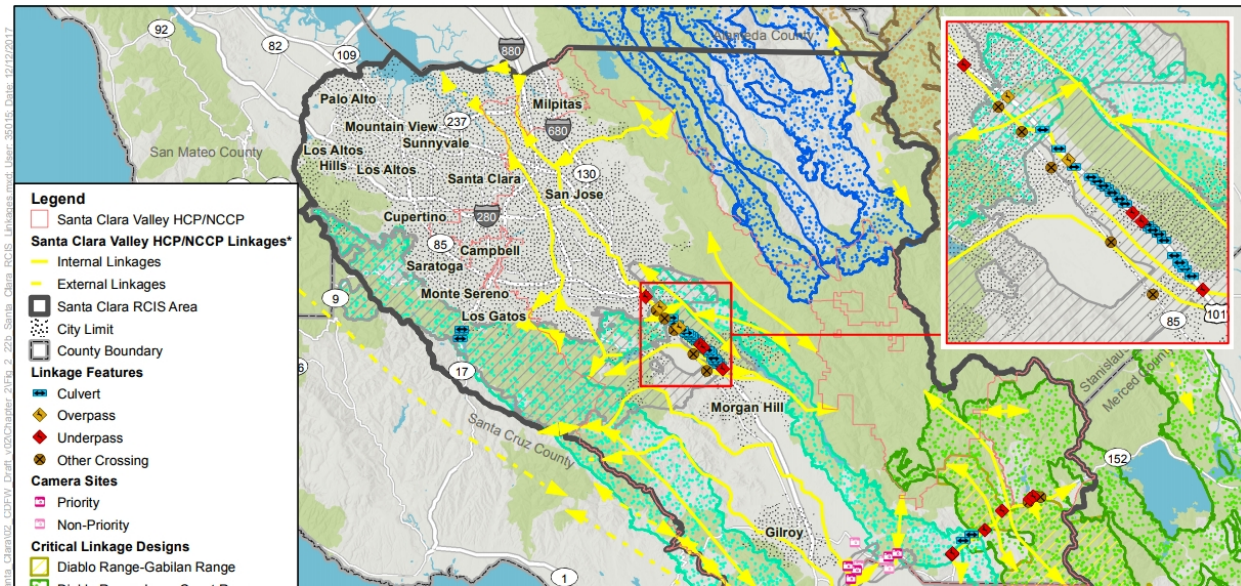
Figure 6: *Wildlife movement across Santa Teresa Blvd.,*
(<https://openspacetrust.org/blog/coyote-valley-1/>)



Study of mountain lion in the Santa Cruz Mountains reveals limited genetic diversity and possible inbreeding problems due to habitat fragmentation. This implies the need for improved access to the Diablo Range. Development of this site would likely aggravate the problem.

The California Department of Fish and Wildlife has just announced the Draft Santa Clara County Regional Conservation Investment Strategy (RCIS). The Program uses a science-based approach to identify conservation and enhancement opportunities that, if implemented, will help California's declining and vulnerable species by protecting, creating, restoring, and reconnecting habitat, and may contribute to species recovery and adaptation to climate change and resiliency. The RCIS identifies critical wildlife corridors in Santa Clara County including this important pathway (Figure 7).

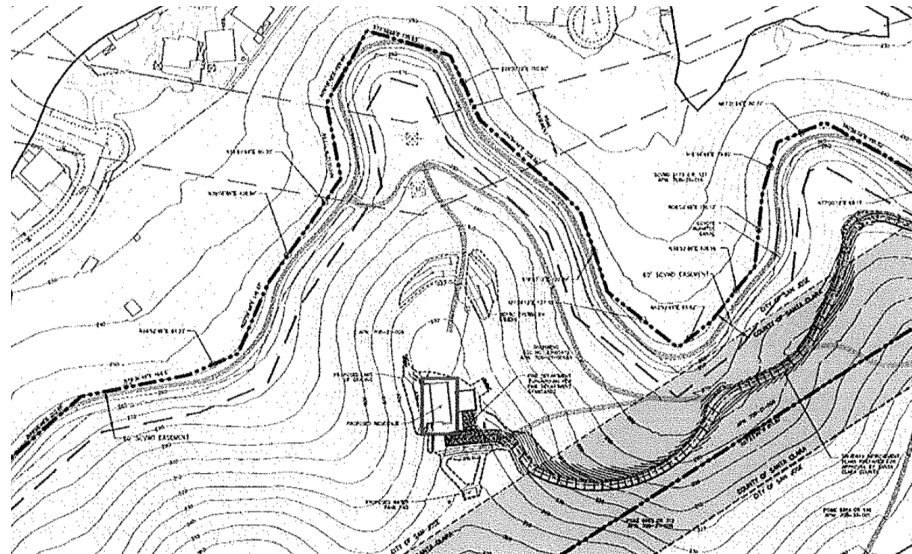
Figure 7: The RCIS program identifies the site as an internal wildlife linkage



2. The proposed access road

The proposed access road from Santa Teresa Blvd. to the house is delineated in Figure 8.

Figure 8: Contour map of the Project site



The access road is located primarily in unincorporated Santa Clara County jurisdiction. As proposed, the access road seems incompatible with the VHP. The Coyote-Alamitos Canal is a Habitat Plan Designated Category 2 stream and the VHP mandates development setbacks from Category 2 streams of 35-feet. It is not clear that the access road can be built without a construction-related, temporary or even permanent encroachment into the setback.

In addition, the road as proposed requires an excessive amount of grading, cut and fill, and a 6-ft retaining wall. Santa Clara County's General Plan includes several policies that aim to ensure grading practices are environmentally conscious. In conjunction, policies R GD-16, R GD 20, R GD-22, R-GD 23, R GD-25, R GD-26 and R GD-27 discourage extensive grading, cut and fill and preclude grading permits for projects which will negatively impact the natural environment, wildlife habitat, or scenic resources.

Permitting the proposed road will conflict with the County's grading policies because:

1) Wildlife movement in and around the canal will be disrupted by construction activities. Even temporary disruption may cause animals to seek alternative, unsafe routes.

2) Habitual use of an access road adjacent to the Coyote-Alamitos Canal introduces traffic, car lights and potentially street lighting on Santa Teresa Blvd. and on the access road. Lighting adds to the disruption of wildlife movement corridors. These impacts, even if temporary in duration or not extensive in scope, will increase the likelihood that animals will try to cross Santa Teresa Blvd. at grade instead of crossing through the culvert, thus increasing the risk of road accidents and road kill. Animals are also likely to be killed on the access road itself.

3) The access road and associated grading, cut and fill will scar the hillside, adversely impacting local scenic resources and the view of the hillside.



Two large oak trees are located where the road is planned (Figure 9). Oaks such as these form the backbone of our local ecology, and should not be removed for an access road.

Figure 9: Oaks on the Project site

3. Wildlife Conflicts with human activity and housekeeping

The primary cause of death of mountain lions and other large predators in our region is legal "take". Homeowners who choose to live close to wildlife are attracted by the scenery of rural landscapes, but consequently they may experience loss of pets to natural predators. To protect their families and pets, homeowners often secure depredation permits from the California Department of Fish and Wildlife. These permits allow them to kill the threatening predators.

Additionally, residents often use poison bait stations to rid their homes and gardens of rodents. Secondary poisoning is affecting predators throughout our region, and is especially egregious in undeveloped areas at the edge of urban development such as this site. A large variety of raptors and predators have been documented here, and are susceptible to secondary poisoning.

Homeowners also protect their homes with fences, building barriers and hazards in the routes that animals use for daily and seasonal movement. Should a fence be established around the Project site, we are concerned that animals will be forced to travel along Santa Teresa Blvd, thus posing a safety for both the animals the vehicle traffic on this busy road.

Considering the City of San Jose cannot enforce human behavior conditions on a conditional use permit, we urge you to deny the project to avoid human-wildlife conflicts that may significantly impact populations of local wildlife.

4. Critical Habitat for Bay Checkerspot Butterfly

The entire Project property is designated Critical Habitat for the California and federally endangered Bay Checkerspot Butterfly (Figure 10,11).

The site does not seem to provide suitable breeding habitat at this time, but it is needed for the recovery of the species and connectivity to the remainder of Santa Teresa hills, which are also designated critical habitat for this species. Habitat loss and fragmentation are a recognized threat to the recovery of the species.

Figure 10: *Bay Checkerspot Butterfly*. Photo Source: https://www.fws.gov/sacramento/es/critical-habitat/bay-checkerspot-butterfly/Proposed/Images/bcb2_John_Cleckler_Coyote_Ridge_4-9-04.jpg

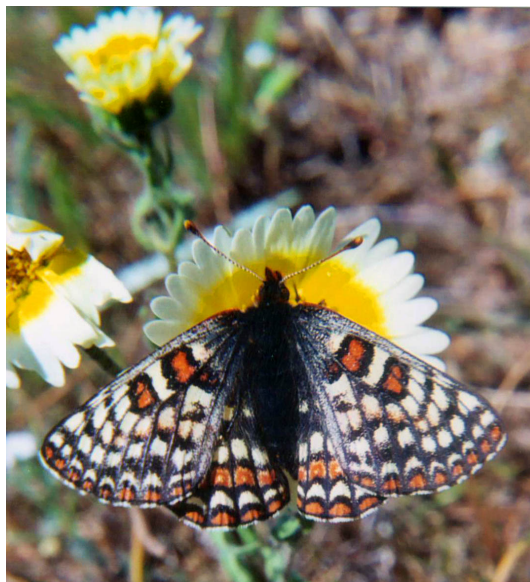
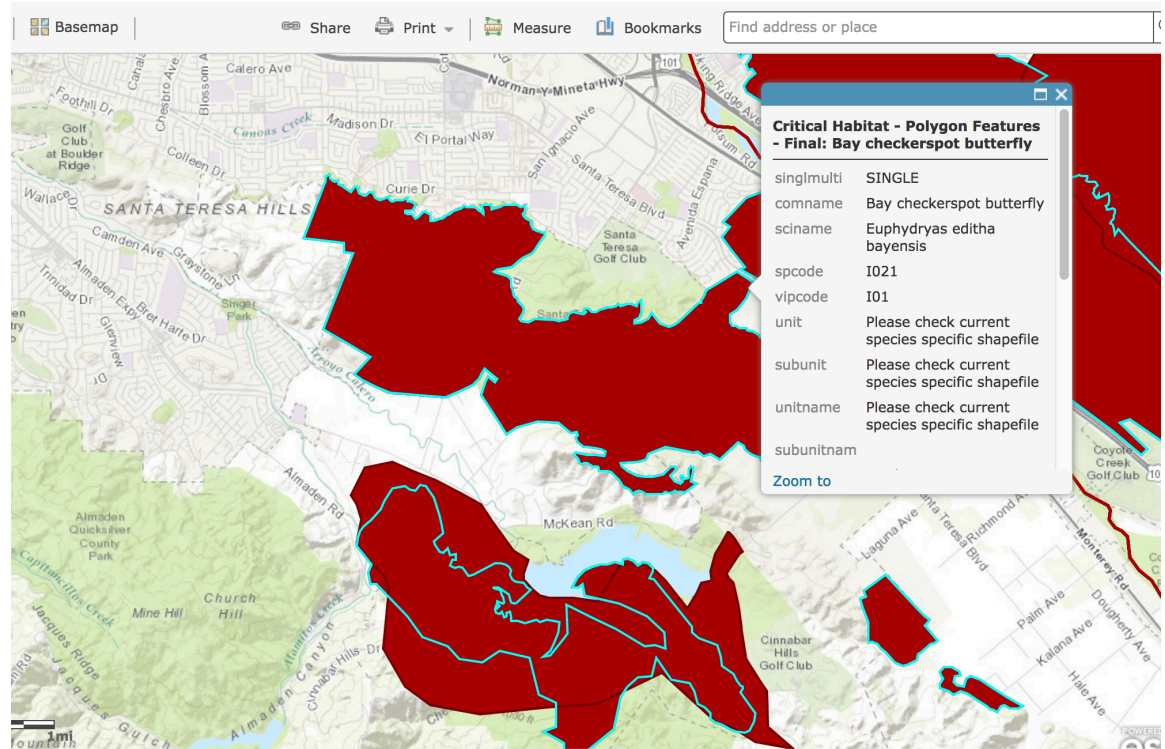


Figure 11: Critical Habitat for the Bay Checkerspot Butterfly

Critical Habitat for Threatened & Endangered Species [USFWS]

Modify Map  Sign



5. The Project site contains suitable habitat for Monarch Butterflies

Monarch butterflies have seen a steep population decline. The Federal Fish and Wildlife Service has determined that federal protection for the monarch may be warranted, and is currently conducting a thorough assessment to determine if the monarch butterfly needs Endangered Species Act protection. In California, the monarch butterfly population dropped 74% in recent years.¹

The Project site and adjacent lands along the Coyote-Alamitos canal and Tulare Hill are abundant with narrow-leaf milkweed, the native host plant for monarch butterflies in California. The species survival and the phenomenon of migration depend on preserving both breeding and wintering habitats.

¹ <http://www.mercurynews.com/2016/07/08/monarch-butterfly-population-drops-74-percent-in-california/>

5. Wildfire conflicts

Most of the wildfires in California are caused by humans, often inadvertently as cars, mowers, weed-trimmers and other machinery emit sparks and start fires. Considering the Project is in the midst of a PG&E transmission corridor, a fire at this site could have devastating environmental and economic impacts should it cause the adjacent PG&E infrastructure to fail, even temporarily.

Summary

Goal LU-19 of the San Jose Envision 2040 General Plan, Urban Growth Boundary (Open Hillside / Agriculture Lands) directs, *“Respect the Greenline/Urban Growth Boundary to preserve the beauty and natural resources of the rural and hillside areas, to maintain the fiscal health of the City, to direct private and public investment within identified growth areas, and to preclude development in areas subject to natural hazards.”* Policy LU-19.8 states, *“Due to the increased potential for some particular environmental impacts on lands located outside of the Urban Growth Boundary, **limit new development in these areas to projects that will not result in substantial direct or indirect environmental impacts upon sensitive habitat areas, special status species, geologic hazard avoidance or the visual environment. Additionally, incorporate measures within new development to ensure substantial wildlife corridor protection and prohibit planting of invasive species with the potential to impact sensitive habitat within the project vicinity.**”* (Emphasis added)

The evidence we have provided above shows clearly that the project conflicts with Policy LU-19.8. Construction of the home and the associated structures and access road will result in substantial direct and indirect environmental impacts upon sensitive habitat areas, special status species, and the visual environment. At this site, substantial wildlife corridor protection is not possible, and a permanent disruption of wildlife movement is inevitable.

We believe that the City cannot make the findings required by the San Jose Code of Ordinance 20.100.720. Because,

1. The conditional use permit, if approved, is inconsistent with and will not further the policies of the general plan Policy LU-19.8
2. The proposed use at the location requested will
 - a. Adversely affect the peace, health, safety, morals and welfare of persons residing in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; and
 - c. Due to the increased risk of fire, could be detrimental to public health, safety or general welfare.

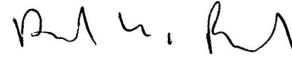
The Project conflicts not only with San Jose’s General Plan but also with Santa Clara County’s General Plan and the Valley Habitat Plan. It will impose significant adverse impacts on visual and biological resources, including protected species, and will disrupt an established wildlife linkage.

We believe we provided substantial evidence to establish the expectation that the proposed project is likely to impose impacts that cannot be mitigated, and that it will substantially disrupt wildlife movement, thus conflicting with an adopted Habitat Plan. We maintain that the City cannot make the findings needed to approve this project. Instead, the city should use the direction of Policy LU-19.8 to “limit new development” in this area by denying this project.

Sincerely,



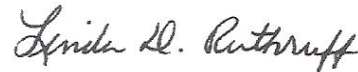
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