



October 17th, 2016

County of Santa Clara Planning Office
Attn: David Rader
70 West Hedding, 7th Floor, East Wing
San Jose, California 95110

Via email to : david_rader@pln.sccgov.org

Re: Comments on NOP for the Young Ranch Residential Project

Dear Mr. Rader,

The following are comments by the Santa Clara Valley Audubon Society (SCVAS) on the Notice of Preparation (NOP) for the 2150-acre Young Ranch Residential Project (Project). At this point, due to the reasons below, SCVAS opposes the proposed Project. In short, the Project amounts to spot zoning that damages natural resources in the County and sets a poor precedent for County development. SCVAS also agrees with the June 20, 2016 letter from the City of San Jose to the County asserting that the Project as proposed does not conform with the City's General Plan and violates the spirit of Measure Q, a strong statement by the people of the region supporting preservation of hillside areas and a minimal level of development surrounding the urbanized footprint of the region (i.e. outside of the Urban Growth Boundary of the City).

Open Space

It should be noted that, while the NOP states that more than 90% of the 2150 acres of land—both within the County and the City of San Jose—will remain in open space, a considerable amount of that “open space” is located amongst the footprint of the proposed Project. It is likely that no conservation entity—either public or private—will be willing to take on management of these smaller open space areas. The Environmental Impact Report (EIR) for the Project should discuss the quantity of open space within and amongst the development footprint, whether these lands are proposed to be managed by a conservation entity or by a homeowners association, and how those lands would be managed.

Management of the land is key here. Currently, serpentine habitats often use cattle grazing as one management technique to maintain the rare and endangered plant and animal species on the land. The EIR should analyze the optimal management regimes for these species and whether that management regime will be possible amongst the residential areas proposed for development.

Alternatives

SCVAS recommends that the EIR consider two alternatives that would lessen the impacts of the development on the landscape and natural resources.

First, the EIR should present an alternative where the proposed zoning code amendment is not granted and the County lands involved are developed as currently allowed by County zoning, without considering the lands within the City of San Jose. This alternative should include clustering the allowable development into the smallest area possible and locating that development adjacent to adjoining properties that are already developed. The remainder of the land should be in either public or private open space and managed to support the rare plant and animal species on the site. Proper management of the open space lands should be considered as mitigation for the loss of other lands due to development.

Second, the EIR should analyze allowing the zoning code amendment but restricting the footprint of the development to the smallest area feasible and again locating that development close to adjacent properties that are already developed, thus maximizing the open space available for species management.

Mitigation for Aesthetics

Any development scenario should consider, as a mitigation measure, limiting formal landscaping to a small area immediately surrounding the residences allowed. Leaving a majority of the land on each lot in a natural condition would appreciably reduce the aesthetic impacts of developing the natural terrain. In addition, this mitigation measure would also reduce water usage from the development and perhaps minimize the need for land alteration as part of the construction process.

Secondary Units

The EIR should explain why four affordable units are proposed as part of the Project while up to 16 secondary units are mentioned in the NOP (NOP, page 5). Would these additional secondary units also be considered affordable? Why are not all the 79 proposed market rate units allowed to have secondary units? If all proposed units would potentially be allowed secondary units, the EIR should consider this near doubling of allowable development on the property.

Precedent

The EIR for the Project should carefully analyze the precedent established were the County to approve the Project as proposed. What other properties might be able to propose similar aggregation of development potential were this project to be approved? This concern is evidently shared by the City of San Jose, as expressed in their June 20, 2016 letter to the County, "While a portion of the project site is proposed to be preserved for open space, the remaining areas contain denser development than what is currently permitted by the City's General Plan." (June 20 letter, page 2).

In general, SCVAS opposes spot zoning and the deleterious effect such zoning can have in undermining the overall integrity of planning as guided by General Plans and Zoning Codes. The EIR for the Project must consider such possibilities.

Introduction of invasive species and disease

We are concerned with the potential impacts of invasive species that may be introduced by future residents into an area that still retains endangered plant and wildlife species. This includes domestic cats, and plants from garden stores.

Plants from garden stores could also bring into the area *Phytophthora* - a soil-borne water mold that produces an infection which causes a condition in plants called "root rot" or "dieback". The plant pathogen is one of the world's most invasive species and is currently infecting areas in our region. We are especially concerned with *Phytophthora cinnamomi* and *Phytophthora ramorum*, (cause of Sudden Oak Death).

Pest control

Lastly, we are concerned with the potential use by residents of poison-bait for rodent control. The impacts of people using these products is impacting wildlife throughout California, especially in rural residential areas that are in proximity to wildlife habitat.

Conclusion

To reiterate, SCVAS opposes the Young Ranch project as proposed, both due to damages to the natural resources on the site and due to the planning precedent potentially set by considering the zoning code amendment associated with the Project. It is possible that SCVAS would approve of a smaller project that truly preserves and manages the vast majority of the land on the site for the benefit of native habitats and species.

Thank you for allowing SCVAS to comment on the NOP for this Project. Please contact me at Advocate@scvas.org if you have any questions and please keep SCVAS aware of this proposed Project as it moves towards a decision by the County.

Sincerely,



Shani Kleinhaus,
Environmental Advocate