

Fwd: Letter re Coyote Valley - for agenda item 10.3, November 16, 2021

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 10:24 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Greg Peck [REDACTED]

Sent: Tuesday, November 16, 2021 10:16:50 AM

To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Cc: Greg Peck [REDACTED] Joan Rivas-Cosby <[REDACTED]> Linda Locke [REDACTED] Juan Estrada <[REDACTED]> Dr. Larry Ames <[REDACTED]> Jeremy Barousse <[REDACTED]> Barbara Pena Atak <[REDACTED]> David Heindel [REDACTED]

Subject: Letter re Coyote Valley - for agenda item 10.3, November 16, 2021

[REDACTED]

[External Email]

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November 16, 2021

Hon. Mayor Liccardo, Vice-Mayor Jones, and City Councilmembers
San Jose City Hall
200 East Santa Clara Street
San Jose, CA 95113

Attention: City Clerk

Via email sent November 16, 2021

Subject: Vote to Protect Coyote Valley (**agenda item 10.3, November 16, 2021**)

We, the undersigned, urge the San Jose City Council to vote to protect Coyote Valley on November 16, 2021. We must protect this precious natural resource with its fertile farmland, critical floodplains and wildlife habitats and connections.

We should capitalize on Coyote Valley's agricultural potential, and we should also maintain the wildlife corridor between the Diablo Range and the Santa Cruz Mountains so important to animal migration and sustainability.

Access to locally grown food matters now more than ever. Coyote Valley can and should provide San Jose residents with local, fresh produce.

Coyote Valley filters residents' drinking water and air, and it limits the urban heat island effect. Coyote Valley also helps to protect residents downstream from flooding.

You must act now given the threat of a newly proposed, 2.3 million square-foot, Amazon-style warehouse that could be located elsewhere in San Jose. Why pave over farmland and open space? Why run hundreds of truck trips through wildlife corridors, combined with more air pollution and greenhouse gas emissions, when the warehouse can be located closer to workers?

Developing in Coyote Valley would further deplete public resources that can be better spent in other parts of the city, such as on libraries, parks, and other community services.

You must vote on 11/16/21 to keep Coyote Valley preserved for nature, for the health of our community, and for our children. Approve the staff and Task Force recommendations on the Coyote Valley General Plan Amendments to change the land use designations in North Coyote Valley from industrial development to open space and agriculture.

Respectfully,

San Jose All District Leadership Group

Greg Peck – D2

Joan Rivas-Cosby – D3

Linda Locke – D4

Juan Estrada – D5

Larry Ames – D6

Jeremy Barrouse – D8

Barbara Atak – D9

David Heindel – D10

CC: City Clerk

Fw: Item 10.3 Coyote Valley

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 9:43 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Vince Rocha <vrocha@svlg.org>**Sent:** Tuesday, November 16, 2021 9:30 AM**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>**Subject:** Item 10.3 Coyote Valley

[External Email]

Dear Mayor and Councilmembers,

Please see our attached letter in support of the staff proposal implementing the San Jose General Plan Task Force's recommendations as well as the memo from Mayor Liccardo, Councilmembers Jimenez, Peralez, Foley and Cohen.

Regards,

Vince Rocha

Senior Director, Housing & Community Development

[REDACTED]@svlg.org

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SILICON VALLEY
LEADERSHIP GROUP

2001 Gateway Place, Suite 101E
San Jose, California 95110

Est. in 1978 by
David Packard

(408) 501-7864

Ahmad Thomas, CEO
Silicon Valley Leadership Group

Jed York, Chair
San Francisco 49ers

Eric S. Yuan, Vice Chair
Zoom Video Communications

James Gutierrez, Vice Chair
Luva

Victoria Huff Eckert, Treasurer
PwC US

Greg Becker
Silicon Valley Bank

Anil Chakravarthy
Adobe Systems

Aart de Geus
Synopsys

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Vintage Foster
AMF Media Group

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Stanford Children's Health

Ibi Krukubo
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Judy C. Miner
Foothill-De Anza
Community College District

Rao Mulpuri
View

Kim Polese
CrowdSmart

Ryan Poppie
Proterra

Sharon Ryan
Bay Area News Group

Tom Werner
SunPower

November 16, 2021

Mayor Liccardo and Councilmembers
City of San Jose
200 E. Santa Clara St.
San Jose, CA 95113

RE: Item 10.3 – Support Liccardo, Jimenez, Peralez, Foley, and Cohen Memo.

Dear Mayor Liccardo, Vice Mayor Jones, Councilmembers Jimenez, Peralez, Cohen, Carrasco, Davis, Esparza, Arenas, Foley, and Mahan,

The Silicon Valley Leadership Group, is proud to express support for the staff proposal implementing the San Jose General Plan Task Force's recommendations as well as the memo from Mayor Liccardo, Councilmembers Jimenez, Peralez, Foley and Cohen.

The Silicon Valley Leadership Group is driven by more than 350 member companies to proactively tackle issues to improve our communities and strengthen our economy, with a focus on education, energy, the environment, health care, housing, tax policy, tech & innovation policy and transportation.

Our members have consistently supported environmentally sustainable development. Preserving open spaces such as Coyote Valley is consistent with the principles of using urban land wisely. We support focusing development where it makes the most sense – in close proximity to transit. Infill development strengthens our economy and protects our environment by reducing greenhouse gas emissions and reduces painful commute times for workers who get time back with their families.

Keeping Coyote Valley as open space will help secure the environmental sustainability of our region and protect existing infrastructure, commercial businesses, and homes from the impacts of floods and various climate change-induced threats. Conservation of Coyote Valley can also have economic benefits in supporting "ag tourism" based uses including lodging, restaurants, wineries, farmer's markets, and more.

We look forward to working with the city on open space provisions that are consistent with the values and needs of our member companies and the community.

Sincerely,



Vincent Rocha
Senior Director of Housing and Community Development
Silicon Valley Leadership Group

Fw: Save Our Trails urges the council to deny the zoning request in Coyote Valley

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 9:44 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Bill Rankin [REDACTED]**Sent:** Tuesday, November 16, 2021 9:23 AM**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>**Subject:** Save Our Trails urges the council to deny the zoning request in Coyote Valley

[External Email]



The Office of Mayor Sam Liccardo
200 East Santa Clara Street, 18th Floor
San José, CA 95113

SUBJECT: Save Our Trails urges the council to deny the zoning request in Coyote Valley

Honorable Mayor Liccardo, members of the City Council, and staff:

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."

Save Our Trails urges the council to continue its good work in protecting Coyote Valley by denying the zoning request for a warehouse facility in Coyote Valley.

Coyote Valley is a vital link between the Santa Cruz Mountains and the Diablo Range that an abundance of wildlife use for migration. It is also allows rainwater to spread out across the valley to recharge our city's aquifer. San Jose has an opportunity to protect this critical natural resource, an opportunity that is likely unique among the top ten populated cities in the United States. We urge you to continue to save the treasure that Coyote Valley is.

Bill Rankin
President Save Our Trails

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Fw: Vote YES to Rezone Coyote Valley for Agriculture and Open Space

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 9:44 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: M. Gallagher [REDACTED]

Sent: Tuesday, November 16, 2021 9:19 AM

To: District1 <district1@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; info.ca.norcal@mothersoutfront.org <info.ca.norcal@mothersoutfront.org>

Subject: Vote YES to Rezone Coyote Valley for Agriculture and Open Space



[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Cohen, Carrasco, Davis, Esparza, Arenas, Foley, and Mahan,

As a Silicon Valley resident, supporter of Mothers Out Front, and our environment, I urge you to protect our climate by voting in favor of rezoning Coyote Valley for agriculture and open space. Do not allow a 2-million-square-foot Amazon warehouse with 500 truck bays to be built right in the middle of Coyote Valley, contrary to the clear wishes of voters.

Coyote Valley plays an important role in absorbing carbon emissions AND in protecting downtown San Jose from flooding during the heavy rain events that are expected to become more common as the climate heats up. It is also an important wildlife corridor.

Please follow the recommendation of the General Plan Task Force and vote to preserve Coyote Valley as farmland and open space, to make San Jose more climate-resilient

--

Mary Gallagher, B.Sc.
Content Strategist



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Fw: Vote YES to Rezone Coyote Valley for Agriculture and Open Space

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 9:45 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Gina Belmonte <[REDACTED]>**Sent:** Tuesday, November 16, 2021 9:18 AM**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info.ca.norcal@mothersoutfront.org <info.ca.norcal@mothersoutfront.org>**Subject:** Vote YES to Rezone Coyote Valley for Agriculture and Open Space

[REDACTED]

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers,

As a lifelong San José resident and supporter of Mothers Out Front, I urge you to protect our climate by voting in favor of rezoning Coyote Valley for agriculture and open space. Do not allow a 2-million-square-foot Amazon warehouse with 500 truck bays to be built right in the middle of Coyote Valley, contrary to the clear wishes of voters.

As humans and responsible inhabitants of this earth, it is our duty to cohabitate with wildlife and preserve our natural resources. We have already done insurmountable amounts of damage to our region. We've already ceded too much land too easily to corporate interests, and to companies that have no regard for the region's resources nor its residents, all with the excuse of creating jobs. And not to mention they do not pay their fair share of taxes.

However, there is still hope with the visionary actions San Jose is taking, including the carbon neutrality resolution. Preserving Coyote Valley as an agricultural and open space is another opportunity to maintain the ecosystems of our area. Coyote Valley plays an important role in absorbing carbon emissions AND in protecting downtown San Jose from flooding during the heavy rain events that are expected to become more common as the climate heats up. It is also an important wildlife corridor.

Please follow the recommendation of the General Plan Task Force and vote to preserve Coyote Valley as farmland and open space, to make San Jose more climate-resilient.

Gina Belmonte Adriano
San Jose, 95118, District 9

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Fw: Please Vote YES to Rezone Coyote Valley for Agriculture and Open Space

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 9:45 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Todd Weber [REDACTED]**Sent:** Tuesday, November 16, 2021 9:09 AM**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>**Cc:** Todd A. Weber <[REDACTED]>; City Clerk <city.clerk@sanjoseca.gov>; Susan with Mothers Out Front Silicon Valley <info.ca.norcal@mothersoutfront.org>; Todd A. Weber <[REDACTED]>**Subject:** Please Vote YES to Rezone Coyote Valley for Agriculture and Open Space

[REDACTED]

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Cohen, Carrasco, Davis, Esparza, Arenas, Foley, and Mahan,

As a San José resident and supporter of Mothers Out Front, I urge you to protect our climate by voting in favor of rezoning Coyote Valley for agriculture and open space. Do not allow a 2-million-square-foot Amazon warehouse with 500 truck bays to be built right in the middle of Coyote Valley, contrary to the clear wishes of voters.

I and my fellow Elders are quite proud that San Jose has taken global leadership regarding formal commitments and actions in a strong path to manage, mitigate and minimize our city's Carbon Footprint. We are a beacon city of what is possible when we work together, pay attention to the science and take actions for the health and welfare of our children and grand+ children to come. A stable, livable and sustainable climate is literally our ONLY option for future generations - we have NO PLANET B if we screw up this one!

Coyote Valley plays an important role in absorbing carbon emissions AND in protecting downtown San Jose from flooding during the heavy rain events that are expected to become more common as the climate heats up. It is also an important wildlife corridor.

Please follow the recommendation of the General Plan Task Force and vote to preserve Coyote Valley as farmland and open space, to make San Jose more climate-resilient.

Todd Weber
Volunteer, Co-Leader

Elders Climate Action (ECA) Northern California (NorCal) Chapter
San Jose/Willow Glen, CA 95125 USA
Tamien, Ohlone and Muwekma lands



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Fw: Vote YES to Rezone Coyote Valley for Agriculture and Open Space

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 9:45 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Cheryl Weiden [REDACTED]**Sent:** Tuesday, November 16, 2021 9:04 AM**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>**Cc:** City Clerk <city.clerk@sanjoseca.gov>; Jenny for Mothers Out Front South Bay <info.ca.norcal@mothersoutfront.org>**Subject:** Vote YES to Rezone Coyote Valley for Agriculture and Open Space

[REDACTED]

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Cohen, Carrasco, Davis, Esparza, Arenas, Foley, and Mahan,

As a Silicon Valley resident and supporter of Mothers Out Front, I urge you to protect our climate by voting in favor of rezoning Coyote Valley for agriculture and open space. Do not allow a 2-million-square-foot Amazon warehouse with 500 truck bays to be built right in the middle of Coyote Valley, contrary to the clear wishes of voters.

My family and I have always treasured the open spaces in the area - the beautiful open spaces truly make the Bay Area special and liveable. During Covid time this became even more apparent. My husband and I spent a lot of time in the open spaces taking in the beautiful landscapes and catching glimpses of wildlife. We noticed that many people from all walks of life enjoyed the open spaces with us. What a travesty it would be to cover some of the little that is left with warehouses.

It is well known that warehouses add to polluted and toxic air from idling diesel trucks. Air pollution in the Bay Area is often unhealthy causing "Spare the Air" days.

The toxic emissions are most unhealthy to the neighborhoods surrounding the warehouses - neighborhoods in San Jose.

Coyote Valley plays an important role in absorbing carbon emissions AND in protecting downtown San Jose from flooding during the heavy rain events that are expected to become more common as the climate heats up. It is also an important wildlife corridor.

Please follow the recommendation of the General Plan Task Force and vote to preserve Coyote Valley as farmland and open space, to make San Jose more climate-resilient.

Thank you,

Cheryl Weiden

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Fw: Vote YES to Rezone Coyote Valley for Agriculture & Open Space (Item 10.3)

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 9:46 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Linda Hutchins-Knowles [REDACTED]**Sent:** Tuesday, November 16, 2021 8:59 AM

To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; 'Jenny Green' via info.ca.norcal@info.ca.norcal@mothersoutfront.org>

Subject: Vote YES to Rezone Coyote Valley for Agriculture & Open Space (Item 10.3)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Cohen, Carrasco, Davis, Esparza, Arenas, Foley, and Mahan,

As a mother, a San José resident, and the co-founder of Mothers Out Front Silicon Valley, I urge you to protect our climate and our vulnerable, flood-prone communities by voting in favor of rezoning Coyote Valley for agriculture and open space. Do not allow a 2-million-square-foot Amazon warehouse with 500 truck bays to be built right in the middle of Coyote Valley, contrary to the clear wishes of voters and climate sanity.

Since 2019, mothers, children and allies have worked hard to protect this precious valley, including collecting and delivering to you hundreds of signed postcards from San Jose residents—in English, Spanish and Vietnamese—urging you to preserve Coyote Valley as open space and farms. We were thrilled when you took measures two years ago to purchase and protect portions of Coyote Valley.

Now we ask you to finish the job by adopting the General Plan Task Force's recommendation to rezone Coyote Valley for agriculture and open space.

Coyote Valley plays a vital role in absorbing carbon emissions AND in protecting downtown San Jose (especially low-income neighborhoods) from flooding during the heavy rain events that will become more common as the climate heats up. It is also an important wildlife corridor.

Can we count on you to honor your promise to protect Coyote Valley? It, in turn, will **protect our climate** by drawing down carbon, **protect our residents** by absorbing floodwaters, and **protect wildlife** by preserving a

vital wildlife cooridor.

Please follow the recommendation of the General Plan Task Force and vote to preserve Coyote Valley as farmland and open space, to make San Jose more climate-resilient.

Thank you,
Linda Hutchins-Knowles
95118

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FW: Vote YES on 10.3 to Help Protect our environment

Mossing, Mackenzie <Mackenzie.Mossing@sanjoseca.gov>

Tue 11/16/2021 10:42 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Forwarding. Thanks!



Mackenzie Mossing

Deputy Chief of Staff and Senior Policy Advisor

p: (408) 535-4863 | e: mackenzie.mossing@sanjoseca.gov

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From: Carol Watts [REDACTED]
Sent: Monday, November 15, 2021 1:54 PM
To: Davis, Dev <dev.davis@sanjoseca.gov>
Cc: Liccardo, Sam <sam.liccardo@sanjoseca.gov>
Subject: Vote YES on 10.3 to Help Protect our environment



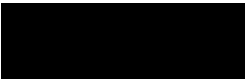
[External Email]

Dev, please vote “yes” to amend, without any delay, San Jose’s General Plan to rezone and protect Coyote Valley which is item 10.3 on the agenda for tomorrow evening.

San Jose has already invested millions in protecting this valley for the use of people and wildlife. Don't waste this investment. We are fortunate to have this open space to aid in carbon sequestration, watershed and flood protection. We must do our part locally to aid the global climate change crisis and provide a good quality of life for our residents.

How do you plan to vote?

Carol Watts



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FW: Coyote Valley

Mossing, Mackenzie <Mackenzie.Mossing@sanjoseca.gov>

Tue 11/16/2021 10:42 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Forwarding. Thanks!



Mackenzie Mossing

Deputy Chief of Staff and Senior Policy Advisor

p: (408) 535-4863 | e: mackenzie.mossing@sanjoseca.gov

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From: Janice Barton [REDACTED]
Sent: Monday, November 15, 2021 5:22 PM
To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>
Subject: Coyote Valley

[REDACTED]

[External Email]

There is plenty of empty warehouse and commercial retail space due to stores closing because people are shopping on Amazon. Amazon should lease this space and leave our open space alone.

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FW: Protect Coyote Valley

Mossing, Mackenzie <Mackenzie.Mossing@sanjoseca.gov>

Tue 11/16/2021 10:42 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Forwarding. Thanks!

From: Andrew Toolson <[REDACTED]>
Sent: Monday, November 15, 2021 8:46 PM
To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>
Subject: Protect Coyote Valley

[REDACTED]

[External Email]

Hello Mayor Liccardo,

I understand you have been an advocate for preserving our open space - thank you for what you've done for keeping Silicon Valley from becoming an urban sprawl. I hope you'll vote tomorrow to preserve Coyote Valley and keep warehouses out of our greenbelts.

Thank you,

Andrew Toolson

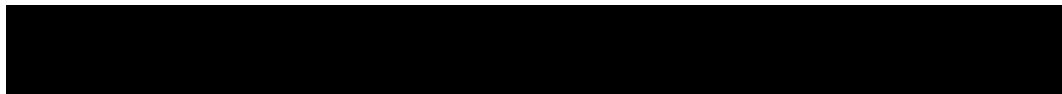
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Fwd: November 16, 2021 General Plan 4 year Review Public Hearing- Coyote Valley

Salvatore Saso 

Tue 11/16/2021 12:18 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>



[External Email]

Good afternoon -

Please see the attached letter regarding tonight's agenda item pertaining to Coyote Valley. Thank you in advance for your consideration.

Sincerely,

Salvatore Saso

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November 16, 2021

BY E-MAIL

Hon. Mayor Liccardo, Vice-Mayor Jones and City Councilmembers
City of San José
200 E. Santa Clara Street
Tower, 3rd Floor
San José, CA 95113

RE: November 16, 2021 – General Plan 4 Year Review Public Hearing – Coyote Valley

Dear Mayor Liccardo, Vice Mayor Jones and City Councilmembers

I am a 19 year resident homeowner in District 6 with a unique perspective on the issues of Coyote Valley. As an urban dweller with rural roots, raised on the Eastside Corridor of Monterey Highway, I have rare knowledge among local residents of both the historical and current City policies regarding Coyote Valley.

The topic of Coyote Valley development often surfaces in casual conversations with members of my community at block parties, soccer games, and pumpkin patches. At the beginning of these conversations, virtually everyone I encounter is staunchly opposed to development in Coyote Valley. Their rote response to me answering their question of where I grew up, is the oft-used City Council campaign slogan of “Preserve Coyote Valley”. They describe how they love the views from their cars as they traverse the 101 Freeway, fervently advocating for the need to ensure this view is unchanged for future generations.

However, by engaging in calm conversations on this contentious issue, and respectfully challenging their view of Coyote Valley, it allows for an appreciation of the plight of private property resident landowners in Coyote, and their 60 year legacy of unfair treatment and broken promises by the City of San Jose. It gives them a fresh perspective to re-think their long-held assumptions, particularly when not coming from the “groupthink” of prevailing political winds, elected officials and special interest entities. **I encounter significant mis/disinformation about Coyote Valley in the community, such as:**

- **The City’s current position of rezoning additional privately held parcels in Coyote Valley from industrial to permanent open space as a flood control mechanism.** I point out that the 2017 floods of San Jose occurred with Coyote Valley in the same exact state it is now, meaning that open space in Coyote Valley was of no use to prevent downstream flooding. I also note that, at the time, rather than clamor for preservation of Coyote Valley as an essential tool for flood control, the City of San Jose solely blamed

the Santa Clara Valley Water District's negligent maintenance of the clogged creek channels as the cause of the Downtown San Jose flooding. Furthermore, the "pivot" to preserving Coyote Valley as a mechanism to prevent future flooding only occurred as a campaign for a subsequent bond measure to support governmental agency acquisition of private land at significantly below market rates in Coyote Valley. And with no plan (or infrastructure) in place to divert future floodwaters into these newly acquired permanent open space, there is no greater protection of downstream flooding in San Jose. Additionally, any further zoning changes on existing privately held land, none of which is in the historical flood plain, no longer serves the claim that it is being done for flood protection, rendering the ongoing rationale for further zoning changes of existing privately held a specious position at best.

- **Many Coyote Valley residents are citizens of San Jose, and City leaders enticed resident landowners to accept annexation with significant promises of city services over 60 years ago, and has failed to deliver on every promise.** My fellow San Jose voters react with incredulity when I share this information. Many automatically assume that all land within Coyote Valley is held in the public domain, and certainly not within the City Limits of San Jose. When I describe the saga of landowners and residents in Coyote, there is a universal disbelief and disdain for the inherent injustice and unfairness perpetrated by the City. There is no awareness that small, private landowners and residents of all economic backgrounds have struggled to survive and persevere, have been systematically prohibited by the City of San Jose from exercising their property rights for 6 decades.
- **Farms in Coyote Valley are owned and operated by local, multigenerational farmers and ranchers who make a comfortable living.** I note that virtually all farming operations they see in Coyote are conducted by itinerant renters, as established, permanent farming operations are no longer logistically and economically possible in Coyote. Many San Jose residents I encounter have no concept of the significant infrastructure, labor, and capital required to maintain a profitable farming operation, and that virtually all of the former owner/operators of ranches and family farms have passed away. They are shocked that their family's annual trip to the treasured pumpkin patch is on land rented by the operators of the attraction, who do their "real" farming in the San Joaquin Valley, due to the economic infeasibility of doing so in Coyote.
- **The push to preserve Coyote Valley for permanent open space and agriculture is being done by these same local farmers, landowners and residents.** Again, there is an overriding assumption that any private landowners in Coyote are leading the charge against development, and the special interest groups that passionately advocate for Coyote Valley's preservation are speaking and acting on behalf of private landowners and residents of the Valley. I note that there is not a single, farmer, rancher, resident or

landowner opposed to appropriate development proposals for the land they own in Coyote, and that all the effort to preserve Coyote is from outside stakeholders, not representing the desire of citizens and landowners who reside in Coyote Valley.

In today's society, it's difficult to engage in thoughtful, reasonable, rational and logical discussions of contentious issues. Impenetrable battle lines are drawn, pitting factions against each other, all through the lens of "us vs. them". Engagement with disparate groups of interests to craft solutions to serve the widest spectrum of constituents, seems an arcane, obsolete practice. Unlike the great care given to planning decisions in all other areas of the city with deliberate, nuanced, thoughtful planning involving input of local residents and property owners, the entirety of Coyote Valley has been burdened with a ham-handed "one size fits all" planning process driven by non-resident stakeholders, at the exclusion of current residents and property owners of Coyote Valley. Instead of considering the viewpoints and perspectives of all interested parties, the City has eliminated the formerly esteemed principle of compromise.

We live through an era of great historical reckoning; a societal push by individuals, groups, and governments to make amends for past injustices to those that have been disenfranchised, marginalized and unlawfully subjugated. Significant efforts are underway to provide equity to those groups to "right" the historical "wrongs". However, rather than re-examining past antiquated policies long since rescinded, the City is now presented with a very special opportunity to make amends for current, living San Jose residents in the East Side Monterey Highway Corridor, and throughout the Valley, whose rights continue to be overlooked, ignored and abused to this day.

I love my city. I call it the "Smallest Big City in the World", and am proud to be a lifelong resident. I love much of what San Jose offers to its residents, and am grateful for the opportunity to be a part of it. I also want my City to be the best it can be. For me, the unjust City policies, broken promises, and trampled rights of its own private landowner residents of Coyote Valley is one of the greatest unknown tragedies that tarnishes our City's past, present, and future.

Our City prides itself on its efforts to bring inclusivity, acceptance and fair treatment to all of its residents. At this time, I urge you to stand up for all residents of the City of San Jose, especially the resident private landowners in Coyote Valley who continue to suffer in silence from the unjust effects of punitive City policies.

Respectfully,

Salvatore Saso

FW: Upcoming vote on Coyote Valley

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 11:13 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Marc Landgraf <mlandgraf@openspaceauthority.org>**Sent:** Tuesday, November 16, 2021 10:59 AM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** FW: Upcoming vote on Coyote Valley

You don't often get email from mlandgraf@openspaceauthority.org. [Learn why this is important](#)

[External Email]

Dear Clerk Taber,

Please see message forwarded to us from Open Space Authority Citizens' Advisory Committee member Robert Sippel regarding item 10.3 on today's City Council agenda.

Thank you,
Marc Landgraf

----- Forwarded Message -----

From: robert sippel <[REDACTED]>**To:** Charles "Chappie" Jones <district1@sanjoseca.gov>; Maya Esparza <district7@sanjoseca.gov>; Devora "Dev" Davis <district6@sanjoseca.gov>; Sylvia Arenas <district8@sanjoseca.gov>; David Cohen <district4@sanjoseca.gov>; sam liccardo <mayoremail@sanjoseca.gov>; Pam Foley <district9@sanjoseca.gov>; Matt Mahan <district10@sanjoseca.gov>; Sergio Jimenez <district2@sanjoseca.gov>; Magdalena Carrasco <district5@sanjoseca.gov>; Raul Peralez <district3@sanjoseca.gov>**Sent:** Tuesday, November 16, 2021, 09:46:25 AM PST**Subject:** Upcoming vote on Coyote Valley

Dear Mayor and Honorable Council members

I am writing you today with great concern that our city could possibly be destroying one of the jewels of this city if we make the wrong decisions. Understandably there is always the need for expansion for both housing and business. That being said, there is also the need to seriously look at what we will leave to the citizens of this city and our children and grandchildren as a legacy. I personally moved to this city in 1970. I fought for this country in Vietnam, moved back to LA and decided then that LA was headed in the wrong direction. I looked over all the cities in the state of California, the very state I had spent my entire life in. Married in, grew a business in and donated thousands of hours of volunteer hrs to making it a great state and San Jose a great city. While searching for the place I would land, I drove up here on highway 1 from the La region. I admired the coastal region, the open space and the general beauty of Northern California. I then drove over what is now Highway 17, stopped in the foothills off Shannon rd in Los Gatos and looked out over the entire area. Then there were few buildings and at that time of the yr (winter) Snow was on the mountains surrounding the valley. I looked down, saw open space and said to my self... this is were I want to live. When I actually moved here, I stopped at the same spot and looked down and all I saw was orchards, open space and every color of fruit bloom you can imagine. I then smiled and said I am home.

As cities grow we all know there is change, Many changes have been positive and some not so. However the one thing I want to remember, is the wise choice I made to move here where there was farming, open space and places for kids to grow up with something besides a key board to look at. A place that kids can experience a farm or ranch. A place that hills are barren instead of full of structures. A place the mother natures children can still exist. The last place that this can occur in this city is in the Coyote Valley. Let us not make another mistake. We can always put transportation hubs somewhere else. We still have other places to expand besides the last true open space gem the city has.

This city has for yrs worked with the Santa Clara Open Space Authority as well as other organizations with similar interests. I am currently a member of the Citizens advisory Committee for that organization and working hard like many others to save as much space as possible to present to future generations a legacy we can all be proud of. My wife and I both feel the same way. She was a firefighter for this city and I a Paramedic for the County. We both retired with injuries from these jobs but we did these jobs proudly and worked hard to make this city grand. I run the Guadalupe Community Garden and have for 12 yrs. I am on the Mayors task force "the Guadalupe River Task force" and this project is similar in that we are working to have a grand open area for others to enjoy. My wife and I have over 1800 hrs each serving the county park system. My wife and I attend to the heritage rose garden at Grand Ranch. We both are trail watchers for the Guadalupe Conservancy and I am on the safety committee for the same organization. I served this city at a Human Rights Commissioner for 8 yrs of which most I spent at the chair. My wife and I love this city and county in way maybe others don't. We actually have put in our will that our entire estate will go to the Santa Clara Open Space Authority with direction to keep education space for kids to enjoy open space. We are just two people with this passion but I know many others including a great number of citizens that dwell in the Rose Garden Area of which I am and have been the president of that neighborhood association for years and years.. feel the same way.

All the aforementioned is to not seek kudos or appreciation but to explain how serious we are about our city and its last remaining truly open space.

The Coyote Valley region deserves to be protected. It not only serves as a great example of what this city was (farming and ranch land), but it serves as a buffer. It has value with regard to the new danger climate control. It is a ground water recharge area that we desperately need. Its a wildlife link for mother natures critters to pass safely from one mountain range to another. (Santa Cruz and the Diablo Range) It is one of the last areas to help with flooding and water conservation. Do we really want our kids and grand kids to not be able to see what this valley and city started off as.

The choice is simple, does our city council want to cling to outdated patterns of the past disregarding the need to address the climate crisis and to protect the remaining wildlife that is so much apart of this city since its inception. We need to protect wildlife, our groundwater and the last true farming area.

Please Make the right choice and protect Coyote Valley.

Bob Sippel

Member of the Citizens Advisory Commission for the Santa Clara Open Space authority

Manager of the Guadalupe Community Garden

Trail watch volunteer for Santa Clara county and the Guadalupe river

Member of the Guadalupe River Task force.

President of the Rose Garden Neighborhood Association

Caretaker of the heritage Rose Garden at Grant Ranch

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FW: North Coyote Valley - No To Urban Sprawl

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 12:13 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Adriana Vega [REDACTED]

Sent: Tuesday, November 16, 2021 10:39 AM

To: City Clerk <city.clerk@sanjoseca.gov>; manu martin <manuweb2005@gmail.com>

Subject: North Coyote Valley - No To Urban Sprawl

[REDACTED]

[External Email]

Dear Honorable Mayor & City Council,

Please accept my letter on behalf of protest to the industrial development of North Coyote Valley.

Please let me know it was received by emailing me back.

A concerned citizen,

Adriana Vega

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

FW: Vote YES to Rezone Coyote Valley for Agriculture and Open Space

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 12:13 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Sandra Mason <[REDACTED]>**Sent:** Tuesday, November 16, 2021 10:40 AM**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info.ca.norcal@mothersoutfront.org**Subject:** Vote YES to Rezone Coyote Valley for Agriculture and Open Space

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Cohen, Carrasco, Davis, Esparza, Arenas, Foley, and Mahan,

As a Silicon Valley resident and supporter of Mothers Out Front, I urge you to protect our climate by voting in favor of rezoning Coyote Valley for agriculture and open space. Do not allow a 2-million-square-foot Amazon warehouse with 500 truck bays to be built right in the middle of Coyote Valley, contrary to the clear wishes of voters.

This space is a treasure and a respite from the hustle of every day life. It is essential to local wildlife and provides families with a space to help their children engage with nature. We know that the mental health of children and adults alike is improved by spending time in green spaces.

Additionally, Coyote Valley plays an important role in absorbing carbon emissions AND in protecting downtown San Jose from flooding during the heavy rain events that are expected to become more common as the climate heats up. It is also an important wildlife corridor.

Please follow the recommendation of the General Plan Task Force and vote to preserve Coyote Valley as farmland and open space, to make San Jose more climate-resilient.

-Sandra Mason
Sunnyvale Resident

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FW: Memo FYI

Mossing, Mackenzie <Mackenzie.Mossing@sanjoseca.gov>

Tue 11/16/2021 12:05 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Forwarding for posting to Item 10.3. Thanks!

----- Forwarded message -----

From: Terry Watt [REDACTED]

Date: Wed, Nov 10, 2021 at 5:03 PM

Subject: Memo FYI

To: Joel Devalcourt [REDACTED]

Joel,

RE: Memo re: Downzoning and Regulatory Takings

Good evening. Below is the information Shute, Mihaly & Weinberger provided on the matter of downzoning and potential regulatory takings. My understanding is that Sara Clark will be sharing this with Vera (hopefully tomorrow) and wanted to get this in your hands in case you would like to schedule time w Sara to respond to questions you or others in the office may have.

Give a call or text for any additional follow-up that would be helpful.

Terry Watt
[REDACTED]**Question Presented**

Whether downzoning to agricultural or open space land use designations results in a regulatory taking.

Short Answer

Downzoning land to agricultural or open space land use is very unlikely to result in an unconstitutional regulatory taking. Whether a land use ordinance decreasing permitted density amounts to a taking depends on whether it results in the total deprivation of a property's economic viability or goes too far in diminishing economic viability based on the factors identified in *Penn Central Transportation Company v. City of New York*: (1) the economic effect of the regulation on the landowner; (2) the extent of the regulation's interference with owner's distinct investment-backed expectations; and (3) the character of the governmental action.

Generally, if permissible uses continue to exist, a development restriction does not deny a property holder the economically viable use of his property. Regarding investment-backed expectations, a property owner generally cannot expect that land use regulations remain unchanged. Finally, typically regulatory interference does not result in a taking unless the government action is confiscatory or inequitable, such as a discriminatory spot zoning ordinance.

Analysis

When a regulation goes so far as to deprive owners of “all economically beneficial or productive use of land,” there is a complete taking. (*Lingle v. Chevron* (2005) 544 U.S. 528, 538.) However, there are also compensable takings that do not involve the deprivation of *all* economically viable use of land. (*Avenida San Juan Partnership v. City of San Clemente* (2011) 201 Cal.App.4th 1256.) The United States Supreme Court has declared that a compensable regulatory taking can occur when a regulation goes “too far” but stops short of denying all economically viable use. (*Palazzolo v. Rhode Island* (2001) 533 U.S. 606.) Whether a regulation goes “too far” is tested under the *Penn Central* factors identified above: (1) the regulation’s economic effect on the landowner; (2) the extent of the regulation’s interference with investment-backed expectations; and (3) the character of the governmental action. (*Penn Central Transp. Co. v. City of New York* (1978) 438 U.S. 104.)

As a result, whether downzoning to agricultural or open space land use designations results in a regulatory taking depends on the application of the *Penn Central* factors, as discussed below.

I. Economic Effect on the Landowner

Generally, if permissible uses exist, a development restriction does not deny a property holder the economically viable use of his property. (*Shea Homes Limited Partnership v. County of Alameda* (2003) 110 Cal.App.4th 1246, 1267 [finding no regulatory taking because agricultural designation allowed single family use if certain County standards were met].) Consequently, downzoning land use that results in the denial of the highest and best use of property does not constitute a regulatory taking. (*Long Beach Equities, Inc. v. County of Ventura* (1991) 231 Cal.App.3 1016, 1036.) Even a substantial reduction in the property’s value is not sufficient to establish a taking. (*Penn Central*, 438 U.S. at 131 [citing *Euclid v. Ambler Realty Co.*, 272 U.S. 365 (75 percent diminution in value caused by zoning law)]; *Hadacheck v. Sebastian*, 239 U.S. 394 [value reduced from \$800,000 to \$60,000].) *Euclid* and *Hadacheck* show that courts are primarily interested in quantified loss and not qualitative conjecture on loss in the abstract. (See e.g. *Keystone Bituminous Coal Ass’n v. DeBenedictis* (1987) 480 U.S. 470, 493–96 [looking to whether the regulation makes the property owner’s current business operation “commercially impracticable”].)

The key question is whether the landowner is left with some permissible use of the property, such as single-family residential, agricultural, or recreational use. For example, in *Ramona Convent of the Holy Names v. City of Alhambra*, the court held that the City’s downzoning of school properties from “Multiple Family” to “Open Space” did not amount to a regulatory taking because the “Open Space” zoning designation still allowed for various permitted and conditionally permitted uses on the contested school site. ((1993) 21 Cal.App.4th 10, 23.) Notably, plaintiff—the property owner of a Catholic school—would be able to apply for conditional use permit for educational institutions. (*Id.*)

Likewise in *Long Beach*, the court held that downzoning to open-space designations will not completely deprive a property owner of economic use when the plaintiff may apply for a zoning change or special use. (231 Cal.App.3d at 1038.) Even if the zoning change or special use is not guaranteed, the mere possibility of a zoning change is sufficient to demonstrate the availability of an economically beneficial use. (*Id.*) More recently, the Ninth Circuit concluded that a reversion of land use designation from “conditional urban” back to its prior “agricultural” classification did not deprive the owner of economic value of property because Hawaii law permits an array of uses for land classified as agricultural. (*Bridge Aina Le’a, LLC v. Land Use Commission* (9th Cir. 2020) 950 F.3d 610, 629.) As in *Long Beach*, the court in *Bridge Aina Le’a* held that the landowner could obtain a permit for “unusual and reasonable uses within agricultural.” (*Id.*)

The City will need to ensure that Coyote Valley landowners are left with some reasonable use of their properties. So long as the agricultural or open space designation are sufficiently flexible, the City should be able to show that under this factor, the downzoning does not result in a regulatory taking. By way of example, the current San Jose General Plan allows a variety of agricultural uses, low-density residential uses, and ancillary commercial uses in the "Agriculture" designation. These uses are likely considered economically viable. Likewise, the "Open Hillside" designation allows low-density residential, private recreation, and institutional or commercial uses, so long as "the majority of the site [is] preserved as open space." Again, such uses are likely considered economically viable. The "Open Space, Parkland, and Habitat" designation is significantly more restrictive, allowing only such activities as "cemeteries, salt ponds, and private buffer lands" as well as "low-intensity agricultural uses" involving no significant structures. If this designation is used, the City should carefully ensure that sufficient economically viable uses are permitted on these designated lands.

II. Interference with Investment-backed Expectation

The second factor looks at the expectations of the landowner and whether those merit compensation in the event of a downzoning. While property owners often claim their expectations were reasonable, and thus deserving of compensation in the event of a downzoning, courts have interpreted this factor quite narrowly. An investment-backed expectation is more than merely speculative desire. (*Guggenheim v. City of Goleta* (9th Cir. 2010) 638 F.3d 1111, 1120 ["Distinct investment-backed expectations implies reasonable probability."].) Distinct-investment backed expectations do not come in the form of "starry eyed hopes that zoning laws will remain in perpetuity" during the life of the property ownership. (See *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 413 ["Government hardly could go on if to some extent values incident to property could not be diminished without paying for every such change in the general law."].) What is relevant and important in judging reasonable expectation is "the regulatory environment at the time of the acquisition of property." (*Love Terminal Partners, L.P. v. United States* (Fed. Cir. 2018) 889 F.3d 1331, 1345.)

Inability to exploit a property interest an owner believed was available for development is insufficient to state a takings claim. (*Penn Central*, 438 U.S. at 130; *William C. Haas v. City & Cty. of San Francisco* (9th Cir. 1979) 605 F.2d 1117, 1120 [finding no taking when rezoning diminished value of investment property from \$2 million to \$100,000].) *Bridge Aina Le'a* concluded the plaintiff could not reasonably expect that a land use commission would not revert the land to its prior zoning for agricultural use once plaintiff purchased the property and commenced use of land. (950 F.3d at 635.) The Ninth Circuit held that commencement of use did not eliminate possibility of reversion. (*Id.*) Accordingly, there was no interference with the investment-backed expectation because the property owner could not expect that land use designation would remain unchanged.

The one circumstance where investment-backed expectations can come into play is when a property is singled out for different treatment. For instance, a land use ordinance may interfere with a landowner's investment-backed expectation when the property was purchased with a land use the same as surrounding properties and the ordinance resulted in change of land use for owner's property only. (*Avenida*, 201 Cal.App.4th at 1273.) *Avenida* describes this situation, where the court held the surrounding property's maintaining the original land use was critical to the understanding of the plaintiff's investment-backed expectation for his own land. (*Id.*)

It is unlikely that the Coyote Valley landowners will be able to show sufficient investment-backed expectations to state a viable regulatory taking claim, particularly when the expectation relates to *future upzoning*. In many cases, the current landowner's price expectations are based on the premise that the City may upzone lands in the future. Such expectations are unlikely to be found reasonable.

III. Character of Governmental Action

With regard to this last factor, the Court has noted a physical invasion of property is more likely to result in a “taking” than “when interference arises from some public program adjusting the benefits and burdens of economic life to promote the common good.” (*Penn Central*, 438 U.S. at 124.) The key seems to be whether the regulation is “confiscatory or physically invasive.” (*Laurel Park Community, LLC v. City of Tumwater* (9th Cir. 2012) 790 F.Supp.2d 1180, 1302.)

A regulatory action is confiscatory, and an unconstitutional taking, if it singles out a landowner from other similarly situated landowners. (*See Lingle*, 544 U.S. at 542–544.) According to *Avenida*, discriminatory spot zoning is an example of confiscatory action that amounts to a regulatory taking. (201 Cal.App.4th at 1273.) The court held that designating a parcel as open space from residential low density zoning was irrationally discriminatory because the parcel was in the middle of a “sea of [residential] zoning.” (*Id.*) Singling out the particular parcel as open space when all others were residential was sufficiently inequitable to create an unlawful taking.

The City can reduce the likelihood that any particular landowner would succeed under this last factor by developing a comprehensive downzoning plan. The downzoning should be rooted in a comprehensive planning effort to promote the common good—including protection of agricultural uses, protection of natural infrastructure, and amelioration of climate change risks. Such downzonings are unlikely to be found to be confiscatory.

Conclusion

Downzoning land to agricultural or open space land use is not likely an unconstitutional regulatory taking. If the ordinance allows other permissible uses or does not entirely diminish economic value of property, the development restriction does not deny a property holder the economically viable use of his property. The fact that the owner will not be able to manipulate the full extent of the perceived economic value of the property is immaterial, so long as the government action is not confiscatory or discriminatory.

1232205.4

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FW: Your scan (Scan to Email (25Mb max))

Mossing, Mackenzie <Mackenzie.Mossing@sanjoseca.gov>

Tue 11/16/2021 3:02 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

We received this letter regarding Item 10.3 in the mail. Please help us post if you haven't received it on your end. Thanks!



Mackenzie Mossing

Deputy Chief of Staff and Senior Policy Advisor

p: (408) 535-4863 | e: mackenzie.mossing@sanjoseca.gov

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Proudly serving San José: America's 10th Largest City & the Capital of Silicon Valley

From: Mossing, Mackenzie [mailto:mackenzie.mossing@sanjoseca.gov]

Sent: Tuesday, November 16, 2021 3:01 PM

To: Mossing, Mackenzie <Mackenzie.Mossing@sanjoseca.gov>

Subject: Your scan (Scan to Email (25Mb max))



November 8, 2021

Dear Mr. Mayor and Members of the City Council,

A new paradigm has arisen for all of Coyote Valley. The City's General Plan staff, and the General Plan Update Task Force, is now proposing this new vision for the Valley. With the acquisition of over a thousand acres in North and Mid Coyote Valley, the old views and models of what Coyote Valley should be are no longer. The old paradigm consisted of over 30,000 jobs to be created in North Coyote Valley, thousands of housing units in Mid Coyote Valley and a "Green Belt" in South Coyote Valley. The anticipated future jobs are being redistributed into other areas of the City. Now, the potential future housing in Mid Coyote will now be just a historical artifact of past land use planning efforts.

In reality, the South Coyote Valley Green Belt never really existed as a true "green belt" since it is the most densely parcelized and developed portion of all of Coyote Valley.

South Coyote Valley consists of approximately 393 parcels, a vast majority of them are in the County. The overall average parcel size is about 6.7 acres. More than 81% of the parcels in the South Coyote Valley Area are smaller than 10 acres. In this entire area of Coyote, there are only 5 parcels 20 to 30 acres in size, and only 3 greater than 30 acres. Except for our property and the City property adjacent to the Sobrato High School all are in the County; and thus not subject to the City's control.

Under the new paradigm, the South Coyote Valley Area now becomes a buffer between the "green belt" of the north and the growth of Morgan Hill to the south. The South Coyote Valley Area must present viable private ownership uses in order to prevent the South Coyote Valley Area from deteriorating into a poorly maintained, ramshackle area ripe for annexation by an ever-growing Morgan Hill or continuing to be an eyesore serving little if any community good.

We would like you to know that in 2018 (and well prior to the appointment of the GP Update Task Force) we filed a General Plan Amendment requesting a change in the designation of our 221 acres to **Rural Residential**. My family has owned land in South Coyote Valley for nearly 50 years which is located in the City of San Jose. Our 221 acres has been operated as an orchard for decades. Our orchard is the largest remaining orchard in the County of Santa Clara. We have worked hard to maintain our orchard and to preserve the agricultural lifestyle of the area.




When we decided to request that the City redesignate our property we had begun to witness firsthand the impact of climate change on agriculture in the Coyote Valley. We also sadly began to realize that agriculture in Coyote Valley does not have a commercial future. We believed that a more productive use of our property was to help address the growing housing crisis by seeking to work with the City in furtherance of it's housing goals in an environmentally sensitive manner. So, we submitted the GP Amendment request.

During the next several years we had difficulties getting staff's attention to our request. And as a result, our Application was never brought forward to the Council for consideration. Now the staff proposes to rezone the Monterey Corridor properties to Planned Development (PD) to accommodate certain uses that may be found to be compatible with the new paradigm for the Valley. Again, we are dismissed and left out of the area to be rezoned PD.

Based on all of the above, we believe we have reason to demand to be treated fairly and receive that same zoning entitlement that other property owners in the Monterey corridor may receive.

Sincerely Yours,


Christopher J. Marchese

/CJM

FW: Valley Water letter re: Item #10.3 11-16-21

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 2:58 PM

To: Agendadesk <Agendadesk@sanjoseca.gov> 1 attachments (609 KB)

2021-11-16 Valley Water Letter re CSJ Coyote Valley.pdf;

From: Donald Rocha <DRocha@valleywater.org>**Sent:** Tuesday, November 16, 2021 2:06 PM**To:** Donald Rocha <DRocha@valleywater.org>**Cc:** Roseryn Bhudsabourg <RBhudsabourg@valleywater.org>**Subject:** Valley Water letter re: Item #10.3 11-16-21**Importance:** High

You don't often get email from drocha@valleywater.org. [Learn why this is important](#)

[External Email]

Hello, I hope this email finds you well.

Please accept the attached letter from Chair Estremera for your consideration related to Item #10.3 on your Council agenda.

Thank you for your time and consideration, it is much appreciated.

Don

Donald Rocha

Deputy Administrative Officer

Office of Government Relations

Valley Water

5750 Almaden Expressway

San Jose, CA 95118-3686



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November 16, 2021

City of San José
Mayor and City Council
200 East Santa Clara Street, 18th Floor
San José, CA 95113

Re: Item #10.3 on November 16, 2021 City Council Agenda

Dear Mayor and City Council:

Valley Water appreciates the opportunity to comment on the proposed development of Coyote Valley. First, Valley Water supports items 1 through 5 recommended by staff, rather than the Planning Commission's direction to deny staff's recommendation at their October 27, 2021 Planning Commission meeting. Furthermore, Valley Water would also like to take this opportunity to respond to comments and questions from Planning Commissioners related to the price of water, and the availability of water, for Coyote Valley farmers. Statements that were made suggested that the availability and/or cost of water were reasons why farming isn't viable as a business in Coyote Valley, and thus recommended against the staff and General Plan Task Force proposals to protect Coyote Valley from further development.

Valley Water has not wavered in its commitment to provide a safe, clean water supply to not only the farming and agricultural communities, but to all communities here in Santa Clara County. Price and availability of water are competitive advantages for Coyote Valley farmers compared to other regions such as the Central Valley, Imperial Valley, and elsewhere. This is due to the natural advantages of climate, rainfall, and depth of groundwater, as well as the many decades of sustainable groundwater management by Valley Water. Because of our activities to replenish and protect local aquifers, groundwater is readily available and sustainable throughout Coyote Valley to support agricultural, domestic, municipal/industrial, and environmental uses.

Valley Water worked with the County and Open Space Authority on the Santa Clara Valley Agricultural Plan, which "acknowledges the vital importance of Santa Clara Valley agriculture to the region for long-term sustainability and health of our county." Valley Water's agricultural rate is lower than its municipal and industrial rate to encourage open space preservation, which is important to watershed health. Agricultural and open space can replenish local groundwater by allowing water to infiltrate and recharge aquifers, unlike developed areas with associated impervious surfaces. Valley Water continues to support the viability of agriculture in the County through sustainable groundwater management and by keeping agricultural water rates low.

While our surface water reservoirs are crucial, more water is stored in local groundwater basins than all of our reservoirs combined. The Santa Clara Subbasin begins in the Coyote Valley, then flows north under San José and Santa Clara toward the Bay. Development in Coyote Valley could convert pervious soil to impermeable concrete, pavement, and buildings, flushing water into streams and the Bay rather

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Michele L. King, CMC



November 16, 2021

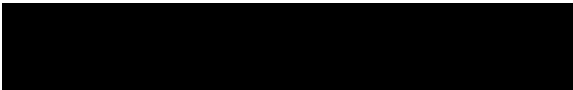
than letting it percolate to groundwater. In most parts of the subbasin, but not in Coyote Valley, the drinking water aquifer is deep underground, and extensive clay layers provide some natural protection from contamination. In Coyote Valley, the drinking water aquifer is often very close to the surface and the soils allow relatively rapid downward percolation, making groundwater there highly vulnerable to contamination. Industrial contamination in Coyote Valley could potentially impact not only local groundwater users, but also those drawing on the subbasin in San José and other downgradient areas.

Finally, Coyote Valley in its current state also provides benefits to improve or maintain a healthy watershed ecology. Water-dependent species like Western pond turtles, California tiger salamanders, and red-legged frogs need a healthy environment around their waterways. Open space and agricultural habitats are much more compatible with wildlife than new development. The loss of Coyote Valley as open space could potentially harm the environment, and new roads or increased traffic threatens wildlife corridors for small animals as well as larger ones like bobcats and deer. Coyote Valley could continue to be a thriving valley-bottom watershed ecosystem if it is preserved as such.

Valley Water greatly respects the autonomy and authority of the Council in its decisions such as this; please know this letter is only intended to provide clarity and respond to points raised from the Planning Commissioners for your consideration, while also offering other potential environmental impacts for your consideration. We would respectfully request that you support the staff recommended actions, and we stand ready and willing to support you in your environmental stewardship of the precious water and lands we have here in our county.

Thank you for your time and consideration, and please feel free to reach out to Don Rocha, Deputy Administrative Officer for Government Relations, should you have any questions or concerns at (408) 630-2338 or at drocha@valleywater.org.

Sincerely,



Tony Estremera
Chair, Board of Directors

cc: Board of Directors (7), R. Callender, M. Richardson, R. Gibson, D. Rocha
bz:jh
1116a-l

FW: Vote YES to Rezone Coyote Valley for Agriculture and Open Space

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 3:29 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Laura Salisbury <[REDACTED]>**Sent:** Tuesday, November 16, 2021 3:22 PM**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info.ca.norcal@mothersoutfront.org**Subject:** Vote YES to Rezone Coyote Valley for Agriculture and Open Space

[External Email]

**Vote YES to Rezone Coyote Valley
for Agriculture and Open Space**

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Cohen, Carrasco, Davis, Esparza, Arenas, Foley, and Mahan,

As a San José resident and supporter of Mothers Out Front, I urge you to protect our climate by voting in favor of rezoning Coyote Valley for agriculture and open space. Do not allow a 2-million-square-foot Amazon warehouse with 500 truck bays to be built right in the middle of Coyote Valley, contrary to the clear wishes of voters.

Coyote Valley plays an important role in absorbing carbon emissions AND in protecting downtown San Jose from flooding during the heavy rain events that are expected to become more common as the climate heats up. It is also an important wildlife corridor.

Please follow the recommendation of the General Plan Task Force and vote to preserve Coyote Valley as farmland and open space, to make San Jose more climate-resilient.

Laura Salisbury
San Jose resident & retired educator

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FW: Vote YES to Rezone Coyote Valley for Agriculture and Open Space

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 3:29 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Rebecca Habermann [REDACTED]**Sent:** Tuesday, November 16, 2021 3:25 PM**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info.ca.norcal@mothersoutfront.org**Subject:** Vote YES to Rezone Coyote Valley for Agriculture and Open Space

[REDACTED]

[External Email]

Dear

Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Cohen, Carrasco, Davis, Esparza, Arenas, Foley, and Mahan,

As

a San José

resident and Mothers Out Front volunteer, I urge you to protect our climate by voting in favor of rezoning Coyote Valley for agriculture and open space. Do not allow a 2-million-square-foot Amazon warehouse with 500 truck bays to be built right in the middle of Coyote Valley, contrary to the clear wishes of voters.

A

personal reason this matters to me is that the Coyote Valley Open Space offers many opportunities for recreational

walks,

hikes, and runs. My family frequents this area. It is only a 20-minute drive for me

to

enjoy a walk, soak up the natural beauty and rejuvenate my spirit, while my daughter runs the hilly 4-mile loop Coyote

Valley plays an important role in absorbing carbon emissions AND in protecting downtown San Jose from flooding during the heavy rain events that are expected to become more common as the climate heats up. It is also an important wildlife corridor.

Please

follow the recommendation of the General Plan Task Force and vote to preserve Coyote Valley as farmland and open space, to make San Jose more climate-resilient.

Rebecca
Habermann
San
Jose, CA 95124

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FW: Vote YES to Rezone Coyote Valley for Agriculture and Open Space

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 3:29 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Fran Salisbury <[REDACTED]>**Sent:** Tuesday, November 16, 2021 3:29 PM**To:** District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info.ca.norcal@mothersoutfront.org**Subject:** Vote YES to Rezone Coyote Valley for Agriculture and Open Space

[External Email]

Dear Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Cohen, Carrasco, Davis, Esparza, Arenas, Foley, and Mahan, As a very longtime resident of San José, I urge you to vote in favor of rezoning Coyote Valley for agriculture and open space. Good grief! Prevent Amazon from constructing its 2-million-square-foot warehouse with 500 truck bays to be built right in the middle of Coyote Valley, contrary to the clear wishes of voters.

Sincerely,
Fran Salisbury
San Jose 95132

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Fwd: Vote YES to Rezone Coyote Valley for Agriculture and Open Space

City Clerk <city.clerk@sanjoseca.gov>

Tue 11/16/2021 5:10 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Ariana Habermann [REDACTED]

Sent: Tuesday, November 16, 2021 3:47:42 PM

To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; info.ca.norcal@mothersoutfront.org <info.ca.norcal@mothersoutfront.org>

Subject: Vote YES to Rezone Coyote Valley for Agriculture and Open Space

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Cohen, Carrasco, Davis, Esparza, Arenas, Foley, and Mahan,

As a San José resident and Mothers Out Front youth volunteer, I urge you to protect our climate by voting in favor of rezoning Coyote Valley for agriculture and open space. Do not allow a 2-million-square-foot Amazon warehouse with 500 truck bays to be built right in the middle of Coyote Valley, contrary to the clear wishes of voters.

A personal reason this matters to me is that the Coyote Valley Open Space offers many opportunities for recreational walks, hikes, and runs. My family frequents this area. It is only a 20-minute drive for me to run around the four mile hilly loop to train for cross country. Another reason is that to me, animals are like pure souls of humans and it would destroy me to see their homes and migrating areas taken over by people who only care about making a profit. The company has never shown much interest in being sustainable. Don't be the reason this happens to this super important and meaningful area.

Coyote Valley plays an important role in absorbing carbon emissions AND in protecting downtown San Jose from flooding during the heavy rain events that are expected to become more common as the climate heats up. It is also an important wildlife corridor.

Please follow the recommendation of the General Plan Task Force and vote to preserve Coyote Valley as farmland and open space, to make San Jose more climate-resilient.

Ariana Habermann
San Jose, CA 95124

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Fwd: Vote YES to Rezone Coyote Valley for Agriculture and Open Space

City Clerk <city.clerk@sanjoseca.gov>

Wed 11/17/2021 9:39 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Lindi Ramsden [REDACTED]

Sent: Tuesday, November 16, 2021 7:57:54 PM

To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; info.ca.norcal@mothersoutfront.org <info.ca.norcal@mothersoutfront.org>

Subject: Vote YES to Rezone Coyote Valley for Agriculture and Open Space

[External Email]

Dear Mayor and Council Members,

I am a recently retired Unitarian Universalist minister and resident of downtown San Jose. As a member of a family who has lived in the San Francisco Bay Area for five generations, and with a sixth generation on the way, I am profoundly aware of the major changes in land use that emerge from one generation to the next.

This generation is faced with the imperative to tackle the climate emergency in this decisive decade. I strongly support staff recommendations to rezone Coyote Valley to preserve open land, sequester carbon and replenish groundwater.

There are disagreements as to the viability of agriculture in Coyote Valley. With rich soil, and access to local markets, I do hope that a path can be found to support sustainable agriculture in Coyote Valley. I do support cost sharing strategies so that the cost of zoning changes do not fall exclusively on the current land owners.

Thank you for your consideration,

Rev. Lindi Ramsden
San Jose, CA

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