

October 20, 2020

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[Via Email to GeneralPlanStaff@sanjoseca.gov](mailto:GeneralPlanStaff@sanjoseca.gov)

Teresa Alvarado and David Pandori, Co-Chairs
Envision San José 2040 General Plan Task Force
City of San José
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113

Re: GP 4-Year Review, Coyote Valley, Meeting October 29, 2020
(Marchese Property in South Coyote Valley)

Dear Co-Chairs Alvarado and Pandori and Task Force Members:

I ask you to recognize the difference between North Coyote Valley and southern reaches of Mid-Coyote and South Coyote Valley.

When you examine the pattern of land use and size of parcels in the southern reaches of Coyote Valley and along the Monterey Road Corridor, you do not find large tracts of continuous undeveloped parcels. Thus, these lands require their own detailed study for defining the appropriate use.

I represent the owners of the Marchese property who own the largest tract of land in South Coyote Valley, on the east side of Monterey Road at its intersection with Live Oak Avenue and backing onto Coyote Creek. See Exhibit A hereto. It is annexed to the City and is zoned R-1-2 and R-1-5, as the early 1960s. But in 1975 the General Plan designated the land as Agriculture, and it has struggled to live with that use ever since. There is an obvious inconsistency between the Zoning and General Plan that the City has ignored; but now with the passage of SB 940 offering the City the opportunity to take paper residential density from the Coyote Valley to increase density in the urban area, that will change.

In deciding what is the appropriate land use designation for this property, a more focused study of the area immediately around this property, including the existing land use patterns along the Monterey Road Corridor and to the west, needs to be undertaken. The perspective of protecting North Coyote Valley as open space and agriculture by removing the industrial designation is too broad a view to be applied the southern parts of the Valley.

Agricultural Use

The Marchese property admittedly has been devoted to agriculture over many years. It is primarily planted in cherries. But that is not proof of its ongoing viability.

Agriculture on isolated parcels is not viable for the near or long term. There are many factors that have changed the character of the lands within the Coyote Valley:

1. Examine the pattern of development in the South Coyote Valley. See Exhibit A, showing multiple patches of residential development on 1, 2.5, 5 and 10 acre parcels, as well as truck and construction material yards.
2. The land holdings are small compared to the 100 and larger acre tracts in North Coyote Valley.
3. The wave of green houses for flower growing that came to the Valley upon being displaced in Mountain View and Sunnyvale for high tech development in the 1980s have disappeared or been abandoned.
4. There is no infrastructure in the County to support agriculture – i.e., food processing plants, cold storage, labor supply and housing and distribution centers.
5. Cherry orchards have a limited life and there is no economic incentive to replace diseased trees or replant the orchard.
6. Over the years most of the row crops within the Valley have turned into hay fields or barren ground. There are a few patches of pumpkins and assorted vegetables.
7. There is a very limited market for hay.
8. Proposals to support farming in the Valley have been espoused for years without any implementation.
9. The encouragement of small family farms has failed.
10. The Laguna Seca that covered a thousand acres in North Coyote Valley did not extend to South Coyote Valley.

- The laguna ran from the base of Tulare Hill southward to the area where Laguna Avenue crosses the Valley.
- It did not extend further southward and did not cross Monterey Road.
- The laguna was drained by improvement of Fisher Creek to Coyote Creek by farmers in 1917.
- That drained area was a wetland and there is a current plan to restore the wetland area.
- The intent is to provide both flood protection to the urban area of San Jose through which the Coyote Creek flows to the north and a wetland for wildlife.
- Two major properties in this area have already been acquired.

The supporting industry to a vibrant farming community is vital. We need only look to the case of Monterey County. But in Santa Clara County that industry closed long ago – processors, freezers, tractor sales and repair facilities are all gone. Farm worker housing is non-existent due to the high cost of living. Farm workers are scarce.

There are other negative factors impacting the pursuit of agriculture. It is increasingly difficult to apply ag chemicals due to the close proximity to homes, school and traffic on Monterey Road. There is open space land adjacent to the Marchese property; it is owned by the City surrounding Sobrato High School. These lands have been in City ownership for 30 years and the open space is weeds and vermin, interspersed with dumping of debris. The Marchese property bears the spillover burden of this situation.

While wildlife corridors are a worthy goal, there already exists intrusion to this property from animals and people along the Coyote Creek Trail. This is another conflict with agriculture.

The south end of the Coyote Valley is the most developed portion of the Valley all on relatively small parcels. There are more residences and businesses in South Coyote Valley than in the middle or north. There are homes adjacent to the southern boundaries of Marchese lands on Kirby Avenue and Nichols Lane. Rural residential is alive and well in South Coyote Valley.

Paradigm Shift

On February 24, 2020, the family owners sent a letter to the Task Force (that letter has been posted on the Task Force's upcoming meeting website) arguing that there has been a paradigm shift with the acquisition of 900 acres in North Coyote Valley and plans for wetland

restoration in that area. The analysis contrasted the Mid and South Coyote Valley from the North. There is not an existing green belt to the south. Rather there is extensive parcelization precluding maintaining large swaths of open acreage.

A wildlife corridor may be able to be established in the south at great expense. As referred to below, the proposed development plan to a 2018 general plan application for the property would privately contribute to that corridor.

General Plan Application

A GP application was filed for the property in April of 2018 to change the Agricultural designation to Residential. Again, the site is currently zoned R-1-1, and R-1-5 having been so designated in the early 1960s as part of the City's annexation process to incorporate properties along the Monterey Road (formerly Monterey Highway) corridor from southerly of Metcalf Road to the northerly limits of the City of Morgan Hill. This zoning was promised as part of an inducement plan to gain support for the annexation. As zoned, the theoretical number of lots would be in excess of 250.

But instead of the density of the existing zoning, the General Plan Amendment request was for a designation of Rural Residential which would allow the development of 2 acre lots with private streets. While the Amendment request does not require the concurrent filing of a rezoning in which a specific site plan is proposed, the property owners have prepared a conceptual site plan. Major components of the proposed plan include a wide riparian habitat corridor adjacent to Coyote Creek, a 150-foot-wide wildlife corridor on the northern boundary connecting to the riparian habitat area, and a 200-foot-wide landscape buffer adjacent to Monterey Road. The wildlife corridor was in reaction to an identified area to provide an east-west crossing in the vicinity of Palm Avenue to the north of this property.

The project offers to preserve a "swath" of orchard trees along Monterey Road as a visual buffer to future development. This swath, while set aside as a visual barrier, would line up with a proposed wildlife undercrossing under Monterey Road (Coyote Valley Subcommittee 2019), as well as connect to a corridor on the north side of the property and riparian setbacks adjacent to Coyote Creek. Thus, there would be added habitat value to the project, as leaving a swath of orchard habitat would improve the potential for animals to successfully cross Monterey Road into habitat without additional roads which would increase the potential for mortality.

The Planning Department advised the applicant to hold processing of the application to allow this GP Update to go forward.

While the Amendment Request and a Rezoning are not before you, and it is the Planning Commission and Council that must decide on the application, the application provides evidence that there are particular circumstances applicable to this property on the Monterey Road corridor that do not relate to North Coyote Valley. Second, the area of existing development to the north, west and south of this property, all non-agricultural, certainly influences the developability of this property.

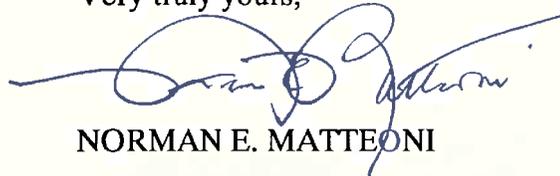
If the City believes it made a mistake in annexing these lands and taking city taxes from the owners, it should pursue de-annexation and return this property, like so much of the surrounding area, to the County.

Conclusion

The Task Force, engaged as it is with an update for the entire City, has a high-altitude view. But planning is complex when individual parcels are to be considered. There are details on the ground that deserve scrutiny. The southern portion of Mid and South Coyote Valley should be further studied.

Opportunity for review of an individual GP application for the Marchese property needs to be recognized and not precluded by application factors supporting the preservation of North Coyote Valley as open space and agriculture.

Very truly yours,



NORMAN E. MATTEONI

NEM:cab

Attachments

cc: Rosalynn Hughey, Director
Council Member Sergio Jimenez
Chris Marchese
Leo Cacitti
Gerry DeYoung



LEGEND

- LESS THAN 5 ACRES
- 5 TO 10 ACRES
- MORE THAN 10 ACRES



PARCEL ANALYSIS SOUTH COYOTE	DRAWN: RA	R+G RUTH AND GOING, INC. <small>2218 ONE ALABAMA LANTA FLORIDA, FL 32609 (904) 230-2000</small>	SCALE: NTS
	CHKD.: _____		DATE: 2018-01-12
	DEPT: _____		JOB # 17-927-A

EXHIBIT A