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## San Jose council approves controversial housing project

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Ignoring council policy and a recommendation from its own planning staff, the San Jose City Council on Tuesday agreed to let a developer build 89 homes on a 15.8 acre site at the city's southern border despite its proximity to a local creek.

A spokesman for the Committee for Green Foothills said later that his group would not rule out legal action against the city.

In an 8-2 vote, with Councilmen Pierluigi Oliverio and Ash Kalra dissenting, the council agreed to overlook San Jose's policy requiring projects to be set back a minimum of 100 feet from a river or stream -- in this case, Guadalupe Creek.

The project's developers originally proposed an average setback of 47.5 feet. That was later changed to an average of 72.8 feet after Councilwoman Nancy Pyle, who represents the area, sought a compromise.

Councilman Sam Liccardo was out of town.

The decision was motivated by what council members say will be the project's overall benefit to

the site. Land consultant and former council aide Erik Schoennauer, representing developer Trumark Companies, said those benefits would include the removal of 2.3 acres of nearby parking lot asphalt, which would be replaced with 3.8 acres of expanded natural habitat.

The developer also is promising 700 more trees than exist today on the site and a publicly accessible trail.

"This is a significant and substantial restoration of habitat and will leave this area in a much better place

than it is today," Councilman Pete Constant said.

But at least 17 neighbors who spoke at the meeting vehemently disagreed, repeating their concerns about the project's proximity to the creek and its wildlife.

Neighbors also assailed the project's density, urging the council to support its staff's recommendation -- as well as Mayor Chuck Reed's renowned Green Vision for a more environmentally friendly city.

"You said "... we must step forward to solve the climate and energy

crisis and protect our environment," resident Gary Weiner told the council and Reed. "Now is the time to read and act on those words."

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an improvement on the current situation. I just wonder, 30 years from now, if this project doesn't happen, what kind of damage will occur from us doing nothing."

Oliverio told the council that the technology company that now occupies part of the site tried to bid on the land but was outbid by Trumark. Oliverio said the company told him it will not relocate in San Jose, which means the \$240 million company will move its headquarters and 160 jobs elsewhere.

The council was expected to vote on the project at its Aug. 17 meeting, but that was deferred after the Audubon Society said the city's planning staff had not properly notified the group about that meeting.

The society also said city staff had not sufficiently addressed concerns it expressed months ago about native birds and fish that group members believe will be adversely affected by the development.

The Committee for Green Foothills joined the Audubon Society and a handful of residents in objecting to the project and requesting a full environmental impact report on the site. The council unanimously rejected that request.

After Tuesday's meeting, committee spokesman Brian Schmidt said his group may consider legal action.

"We think that this project has a potential for significant damage," he said, "and they did not do an adequate environmental analysis."

**Contact Tracy Seipel at 408 275-0140.**

But while the council thanked neighbors for their involvement and comments, the objections mostly fell on deaf ears.

Council members pointed out that their "riparian corridor" policy includes some exceptions to a 100-foot setback.

The site currently houses four commercial/industrial buildings, and some observers said that if the land were not redeveloped, its vacant building and storage tank would deteriorate and cause more environmental harm than the homes.

Councilwoman Rose Herrera said the project "will be

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