



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: July 21, 2009

COUNCIL DISTRICT: 8
SNI AREA: N/A

SUBJECT

FILE NO. PDC09-007, Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District allow up to 35 single-family detached residences on a 19.1 gross acre site, located on the northeasterly side of San Felipe Road, approximately 400 feet northwest of Silver Creek Road.

RECOMMENDATION

The Planning Commission voted 5-2-0 (Commissioners Do and Jensen opposed) to recommend that the City Council approve the Planned Development Rezoning with (1) the applicant's proposed site plan alternative to allow up to 35 single-family detached residences; (2) the realignment of lot 26 to be setback 75 feet from Misery Creek; and (3) to require the removal of two existing Tree of Heaven trees on the subject site, on a 9.1 acre site, located on the northeasterly side of San Felipe Road, approximately 400 feet northwest of Silver Creek Road.

OUTCOME

Should the City Council approve the Planned Development Rezoning, the applicant would be able to move forward with a Planned Development Permit and subsequent building permits to allow for the construction of 35 single-family detached residential units on the subject site.

BACKGROUND

On July 8, 2009, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed Planned Development Rezoning with the staff alternative site plan that includes a through neighborhood street. The project was on the evening's public hearing calendar.

Planning staff made the following additions and corrections to the staff report:

- On page 8 of the Staff Report under the Evergreen East Hills Development Policy section, it indicates that the project will be using 14 residential units from the pool, but only 13 are needed because the site had 22 units of allocation previously.
- In the plan set that was distributed, the tree removal plan indicates that tree number 45 is to be saved, however, that tree is to be removed.

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- One of the proposed floor plans offer an optional suite, this is not intended as a 2nd unit, however to be clear, the developments standards will include a statement saying that 2nd units are not permitted.

The applicant, Mark Lazzarini of DAL Properties, then spoke on the item and added that on October 31, 2008 a lot line adjustment was issued allowing for a land swap between Mr. Sidhu's property located to the north of the site and DAL Properties LLC to accommodate an extension of Grand Oak Way to improve access to Mr. Sidhu's parcel. Also, on April 23, 2009, a Default Judgment was issued 'for abandonment of real property to public use'. This judgment allowed for the existing 25' road running the full length of the northern property line from San Felipe Road to and along the rear yards of Meadowlands residents, to be incorporated into the project. Portions of this 25' road are incorporated into the project, of which portions are proposed as public street. Mr. Lazzarini then spoke in favor of the applicant's alternative site plan stating that it enhanced public safety, was pedestrian and bike friendly and prevented through traffic for the adjacent neighborhood.

There were four speakers from the public on the proposed project, all of which are adjacent neighbors to the site. Bonnie Mace, spoke in favor of the applicant's site plan alternative stating that more riparian area would be preserved. Michael Mace spoke in favor of the applicant's site plan alternative stating that the development shouldn't be designed around cars and that it should protect the livability of the adjacent California Oak creek neighborhood. Kathleen Helsing, spoke in favor of the applicant's site plan alternative stating that the area is a rural community free of traffic and the opening of Grand Oak Way should be rethought. Speeding in this area is an issue and the opening of Grand Oak Way would bring a lot of cars down Hematite. The last speaker Larry Cargnoni stated that a through street was not the way to connect two neighborhoods, but it should be done with pedestrian linkages.

Planning staff stated that neighborhoods should be connected by all modes of transportation and that a road adjacent to Misery Creek met the Riparian Corridor Policy and more eyes would be on the creek. In addition, Grand Oak Way is a stubbed street and an obvious extension for the purpose of connecting the California Oak Creek neighborhood with the subject site.

The Planning Commission then closed the public hearing and discussed the item. Commissioner Kamkar thought that the staff alternative site plan would shine headlights directly into Mr. Sidhu's house. Commissioner Zito preferred a better alignment for lots 26, 5, and 15 to provide a 75 foot setback from the Creek and to avoid a road connection over the creek. Commissioner Jensen stated that connectivity is important and that bridges offer an opportunity to enjoy the creek as well as provide more surveillance. Commissioner Jensen also stated that if the road was not connected through the site to the California Oak Creek neighborhood there isn't direct access and it would make it difficult for community building.

Commissioner Zito stated that a road alignment along the creek is least desirable because it would promote dumping and if the residential lots backed up to the creek, the residents would feel as if it was an extension of their yard and would have more ownership of the creek. Commissioner Campos agreed and stated that no road along the creek would better protect it. The Director of Planning added that the adjacent California Oak Creek development has many frontage roads along the creek, which is in conformance with the Riparian Corridor Policy.

The Commission discussed the existing 25' road that runs the full length of the northern property line from San Felipe. Staff clarified that the area must remain open for public use, which includes all modes of transportation. The site plan tried to take advantage of that paved area and not try to create more paving.

Commissioner Do stated that connectivity is key and that dead end cul-de-sac's push traffic onto other roads. Commissioner Cahan stated that the neighborhoods' request to not have a through street should be given more consideration. Commissioner Kamkar added that the applicant and the neighborhood seem to already have come to an agreement on the site plan with no through street.

A motion was made to approve the project with the applicant's site plan. Commissioner Jensen added to require the removal of the two Tree of Heaven Trees on the site in that they are a designated weed species by the USDA and Parks. The Planning Commission voted 5-2-0 (Commissioners Do and Jensen opposed) to recommend approval of the applicant's preferred alternative site plan, realigning lot 26 to be setback 75 feet from Misery Creek, and to require the removal of two existing Tree of Heaven trees on the subject site.

ANALYSIS

A complete analysis of the issues regarding this project, including General Plan conformance, is contained in the attached staff report.

EVALUATION AND FOLLOW-UP

The applicant would be required to file subsequent development permits with the Planning Division in order to implement the project on the subject site.

POLICY ALTERNATIVES

Not Applicable

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

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Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The General Plan Amendment was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

On April 27, 2009, a community meeting was held at Mega Byte Pizza on Silver Creek Valley Road, at which 14 area neighbors were present. At the same location a second community meeting was held on May 26, 2009 at which seven area neighbors were present.

COORDINATION

This project was coordinated with the Department of Public Works, Department of Transportation, Fire Department, Parks, Recreation and Neighborhood Services Department, Environmental Services Department, and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

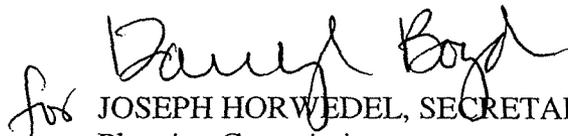
Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

The environmental impacts of this project were addressed by a Mitigated Negative Declaration adopted for File Nos. GP08-08-02 and PDC09-007 on May 26, 2009. The Mitigated Negative Declaration states that no significant impacts will result from the subject project.


for JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Lesley Xavier, Project Manager at 408-535-7852.

Attachments:

Planned Development Rezoning Staff Report, Additional Neighbor Correspondence,
Letter from the applicant

REVISED
DEVELOPMENT STANDARDS
FILE NO. PDC09-007

MINIMUM LOT SIZE: 9,000 Square Feet

NO. OF UNITS: Up to 35 Dwelling Units

SETBACKS:

Minimum Front Setbacks (linear feet)

Living Area & Garage- 25 feet (except 20 feet for living area & porch for lots immediately adjacent to the California Oaks development, which are Lots 10-16 & 19 and for lots adjacent to San Felipe Road, which are Lots 1-4 shown on the conceptual site plan, last revised November 11, 2006)

Porch-can extend 5 feet into designated front setbacks.

Minimum Rear Setbacks (linear feet)

Living Area & Garage- 20 feet (30 feet for lots immediately adjacent to the California Oaks development, which are Lots 10-16 & 19 and for lots adjacent to San Felipe Road, which are Lots 1-4 shown on the conceptual site plan, last revised November 11, 2006) Second Story Setback for Lots 1-4 adjacent to San Felipe Road shall be an aggregate of at least 5 feet more than the first story setback provided. Patio Cover/ Trellis- 15 feet Detached Garage- 5 feet

Minimum Side Setbacks (linear feet)

Living Area - 10 feet

Detached Garage- 5 feet

PRIVATE OPEN SPACE (Square Feet): 550 per unit

BUILDING HEIGHT (Feet/No. of Stories): 30/2

PARKING REQUIREMENTS:

Two covered parking spaces per unit, plus one additional off-lot parking space within 150 feet of each unit.

ACCESSORY STRUCTURES/BUILDINGS:

Permitted as of right, per Chapter 20.30, Part 5 Accessory Buildings and Structures, of the Zoning Ordinance, as amended.

SECONDARY UNITS

Second units are not permitted.

Meadowlands feedback on PDC 09-007

Summary: No connecting road between Grand Oak and San Felipe

It is the strong consensus of Meadowlands and California Oak Creek residents that phase two of the Pan Clair development should not connect Grand Oak Way to San Felipe, except for emergency traffic. The through road proposed by Staff would create an enormous change in existing traffic patterns, and would have the effect of dividing, not connecting, communities. It violates numerous San Jose development guidelines. And it would significantly limit current residents' full enjoyment and use of their property.

Recommendation. We strongly urge the Planning Commission to endorse a road configuration that does not connect San Felipe to Grand Oak. We understand that the Cal Oak Creek community is proposing a cutoff at the current end of Grand Oak, so we won't cover that here. Two other options that the Commission should consider are:

- Approve the developer's road proposal, or
- Require an alternate plan that separates the two roads at Misery Creek (which would preserve the most riparian habitat of any option).

The problems with Staff's proposal are:

- **It violates city policy against routing through traffic across a neighborhood.** Staff's road would become the shortest route to San Felipe for more than a hundred California Oak Creek homes, completely changing traffic patterns throughout that neighborhood and also creating a huge amount of traffic through the Pan Clair development. This violates city policy against routing through traffic across a neighborhood.
- **It violates City policy to encourage bicycle use and walking.** This high level of traffic on Staff's through road would discourage walking and bicycle interaction between and within the neighborhoods. Encouraging bicycling and walking is a city policy, and we believe it is the best way to bring neighbors together. The developer's proposal includes a walking and bicycle connection between the neighborhoods, so it is more compliant with city policy.
- **It violates City policy to preserve the character and livability of existing neighborhoods.** The rear portion of California Oak Creek is currently a series of low-traffic cul-de-sacs in which children can play in the streets and there is very little noise. City's proposed road would completely change that traffic pattern, dragging traffic through formerly quiet streets.
- **It would decrease public safety.** High-speed through traffic would be a safety hazard to the new homes in the Pan Clair development. Also, City Staff acknowledges that it would increase the risk of vandalism and crime in a large portion of the California Oak Creek neighborhood, and part of the Meadowlands.
- **It violates the City's urban design policy for semi-rural neighborhoods** by creating a high-traffic through street where traffic is currently minimal.
- **It creates flag lots, which City policy discourages.** The developer's proposal includes no flag lots, but Staff's proposal forces the creation of several flag lots, which the City discourages. The configuration of the flag lots violates San Jose's Flag Lot Policy.
- **It damages riparian habitat** by building a road across Misery Creek.

Here are the details on our concerns:

Our neighborhood has a different development pattern than most of San Jose. Our area is bordered on three sides by the Urban Growth Boundary, and the San Jose General Plan describes it as semi-rural. That means narrow winding streets are a deliberate part of the neighborhood, and riparian and other natural resources are given special protection. The natural pattern for our community is that clusters of homes are separated by streams, hills, and other open land. The people who live here chose it specifically for those characteristics.

The city should be trying to enhance and extend that existing pattern of development, not pave it over. It is damaging to impose on our neighborhood the same development practices used in other parts of San Jose; what is reasonable for one part of the city is not necessarily appropriate for our area. While the neighbors appreciate the efforts of city staffers to meet with us, we feel that they don't fully understand the unique character of the community, and this is reflected in some of the factual errors and unsupported statements in the staff report. Specifically:

Contrary to what Staff implied, the proposed project would not link two neighborhoods.

"The proposed project....eliminates the agricultural use of the site as grazing land, which separates two existing single-family developments." (staff report, page 5)

This incorrectly implies that the two existing developments would naturally be merged into a single community by this development, justifying Staff's road plan. That's not true. The two developments adjoining the new development are separated by a 50-foot hillside, which is not eliminated or bridged by the new development.

Staff's proposal would damage the character of the existing neighborhoods

City guideline: "Public and private development should be designed to improve the character of existing neighborhoods." (page 5)

We'd like to respectfully suggest that in a semi-rural neighborhood, adding a high-speed connecting road does not improve the character of the existing neighborhood. In fact, it would substantially degrade the character of the California Oak Creek community, which is why residents there so strongly oppose the connecting road. It would also create a substantial change to the southern Meadowlands neighborhood, by creating much more traffic and activity in an area where sound is channeled and amplified by the surrounding hills.

Staff's road would be an urban barrier limiting neighborhood interaction

City guideline: "Factors that cause instability or create urban barriers should be discouraged." (page 5)

A high-speed through road is an urban barrier. It actually increases instability because the traffic on it would inhibit pedestrian and bicycle traffic, and would discourage parents from allowing their children to play in front yards.

Staff's proposal would reduce interaction among residents, in violation of City policy

San Jose neighborhood identity policy #4 reads: "Neighborhoods should include places for interaction among residents."

By creating a bicycle and pedestrian link between the homes, and preventing through vehicular traffic, the developer's proposal encourages more interaction among local residents. Staff's proposal puts people into cars and pushes a lot of traffic through the neighborhood, both of which increase anonymity and reduce interaction.

Staff's proposal would damage the rural character of the neighborhood, in violation of City policy

San Jose residential land use policy #13 reads: "In the design of lower density, single family residential developments... consideration should be given to the utilization of public improvement standards which promote a rural environment."

A high-speed through road does not promote a rural environment; it is the exact opposite of rural.

Staff's proposal creates flag lots, which city policy discourages; and violates San Jose's Flag Lot Policy

The developer's proposal includes no flag lots. Staff's proposal creates several. City residential land use policy 18 calls for flag lots to be used only on hillsides, or in special circumstances dictated by the parcel. As the developer's proposal shows, flag lots are not necessary on this parcel.

San Jose's Flag Lot Policy says that flag lots should be used in neighborhoods that "have uniformity of single-family lot sizes, but with an occasional and unique in its neighborhood, larger parcel, suitable for flag lot projects." The flag lots in Staff's plan are neither unique nor larger than other adjoining lots.

Staff's proposal violates City urban design policy for semi-rural areas

Policy #14 states: "New urban development should be designed to minimize impacts in areas with an established and permanent rural or semi-rural character."

A through road dramatically impacts the semi-rural character of the neighborhood.

Staff's proposal would damage neighborhood livability and traffic levels

"The City should consider such factors as neighborhood character and identity...impacts on livability...and impacts on traffic levels." (page 5)

Staff's proposal would create a huge increase in traffic through an area that is currently very low-traffic, reducing livability and destroying the low-traffic atmosphere that caused people to buy homes in that

location. It would also substantially change the character of the existing California Oak Creek community.

It's very telling that the people who would supposedly "benefit" from an additional connection to San Felipe almost unanimously oppose it. If we don't want it, why is the City trying to force it on us?

Staff's proposal is not the best way to encourage neighborhood identity

"Staff's recommended site plan would extend public streets and connect the existing adjacent neighborhood with the subject site, which will foster better neighborhood connectivity and neighborhood identity, rather than create a new isolated development." (page 5)

Staff is mixing two issues here. A through connection to San Felipe is not needed to connect the new development to existing communities. The developer's proposal calls for a walking/bicycle connection, which we believe will be more effective at encouraging neighbors to interact.

Also, there are several existing communities, which staff doesn't mention, to which the new development can and will be connected:



- A= Meadowlands
- B= Cal Oak Creek
- C= Silver Creek CC
- D= San Felipe homes

There are already several clusters of homes connecting to San Felipe. The Pan Clair development can logically connect with them, or with Cal Oak Creek. But creating a through connection from Cal Oak Creek to San Felipe doesn't connect Pan Clair with Cal Oak Creek; what it does is turn the Pan Clair land into a transit corridor for Cal Oak Creek residents trying to get to San Felipe faster.

Staff's plan would violate City policy to avoid vehicular traffic traversing neighborhoods, and to encourage bicycle and pedestrian traffic

City guideline: "Residential subdivisions should be designed to provide for internal circulation within neighborhoods, prevent through vehicular traffic from traversing neighborhoods, and encourage pedestrian and bicycle connections" (page 5)

The through road proposed by staff would completely change traffic patterns in California Oak Creek, turning what had been quite back roads into the preferred exit for half the neighborhood. All of that traffic would funnel through the Pan Clair development, making it into a transit corridor.

If you want pedestrian and bike traffic, the best way to encourage that is by not connecting the road.

Staff's proposal would damage riparian resources

"Staff proposes....a frontage road along Misery Creek." (page 6)

It isn't necessary to adopt the city's proposal in order to put a frontage road along Misery Creek. That can also be accomplished by adjusting the road placement in the developer's proposal. So this is a separate issue that should not drive acceptance of staff's plan.

Besides, if the city really wants to maximize riparian protection, the best approach is not to build the road extension over Misery Creek at all. Leave it as a driveway. That would preserve roughly 5,000 square feet of additional riparian habitat, would reduce the amount of street lighting affecting the riparian area (which is encouraged by the Riparian Policy), and would dramatically reduce the amount of traffic next to the riparian zone.

Staff's proposal is not needed to protect the property values of Mr. Sidhu

"Provides better and more direct access to the lands of Sidhu." (page 6)

Mr. Sidhu is already benefitting enormously from this development – he's getting a city road built to the edge of his property, sewer and water service, and the opportunity to subdivide his land. The city is not obligated to also build a connecting road through a neighborhood for his convenience. The city should focus on a road design that will provide the greatest benefit to the largest number of residents.

Staff's proposal does nothing to change the subdivision potential in the Meadowlands

"Reduces the likelihood for additional subdivision of the adjacent Meadowlands neighborhood in that there would be no public street access along those properties that border the subject site." (page 6)

This is a factually incorrect. Both proposals include driveway access connecting from all of the Meadowlands properties to public roads. If anything, by giving a shorter path from those driveways to San Felipe, Staff's road would make development there more attractive, not less.

Besides, as we have already informed staff, every home in the Meadowlands is covered by a covenant that prevents it from being subdivided. Also, staff has informed us that it would not be inclined to approve any requests to subdivide the lots in the Meadowlands.

Staff's proposal reduces public safety

"Better access to the eastern side of the site for emergency vehicles." (page 6)

Every proposal allows for emergency vehicle access, either by road or through the connecting driveway.

However, connecting to San Felipe would make access easier for criminals and vandals, since it creates another easy means for them to get to and from San Felipe. Staff has acknowledged this to us in meetings. So Staff's proposal actually decreases public safety.

Staff's proposal would encourage, not discourage, high-speed traffic

"Staff's proposed alternative does provide a circuitous route...through the proposed development that will slow traffic, as well as provide an opportunity for a stop sign at the turn from Grand Oak Way."

Webster's defines "circuitous" as "having a circular or winding course." Staff's proposed road is not circuitous at all. In fact, it is one of the straightest roads that could be built on the property. The curves are not nearly sharp enough to discourage speeding. The result of staff's proposal will be a couple of hundred cars per day making a high-speed trip through the center of the Pan Clair development.

And putting a stop sign on at one end of the road does nothing to slow people down; it's like the starting line of a dragstrip.

Xavier, Lesley

From: Lawrence Cargnoni [lcargnoni@sbcglobal.net]
Sent: Tuesday, July 07, 2009 6:14 PM
To: Enderby, Mike; Xavier, Lesley; Mark Lazzarini
Cc: Kathleen Helsing; Mace, Bonnie; Michael Mace; Larry Cargnoni; Ana and Thomas Huff; Jean McCauley; Larry Cargnoni
Subject: PDC09-007: DAL Road Configuration

Hi Mike, Mark, and Lesley,

I wanted to reinforce the message that Kathleen mailed on July 6 regarding the Grand Oak extension connecting California Oak Creek and the DAL property.

We surveyed the California Oak Creek community and there was very little support for either option in the staff report.

The overwhelming response included:

1. No Grand Oak extension - no vehicle traffic between the two properties
2. Construct a "green" (possibly park-like) bike- and pedestrian-friendly connection to foster and allow neighborhood connections
3. Allow for emergency access and exit through the connection using movable barriers, bolsters (like Silver Creek Road behind the country club), raised curbs, etc.
4. Keep the current look/feel of the community

They agreed with the need to foster community connectivity between the developments, along with providing biking/pedestrian paths, but "connecting" with vehicles was not the method to achieve it.

What they don't want is more noise, speed, traffic. Safety is a large concern.

For DAL's proposal:

- Residents did not want additional traffic coming up Running Springs to get to the back of the DAL property/Sihu's property
- Speeding is already an issue and the concern is that will worsen.
- Too much traffic and noise past Hematite and Grand Oak

For the City's proposal:

- There would be way too much traffic and noise past Hematite and Grand Oak
- There are concerns about speeding up the Grand Oak extension
- Another theft/burglary exit
- Residents communicated that DAL property owners would not want COC residents driving past their homes (just like COC doesn't want DAL traffic).

There was concern that the community had no say in the configuration. Given the fact that a 50+ page staff report was recently published (and that would have taken several weeks), little time has been given to the community to respond on these road options or been able to provide input on the working diagrams (one has to infer that the City and DAL have been discussing these designs for a while).

I'd like to see DAL, the City, and the community to get to an understanding before the Planning Commission on July 8th, but I'm not sure how that's going to work.

Feedback and thoughts appreciated.

Larry C

Xavier, Lesley

From: Luiza Carneiro-Coffin [luizacc@yahoo.com]
Sent: Wednesday, July 08, 2009 10:29 AM
To: Enderby, Mike; Xavier, Lesley
Cc: Kathleen Helsing; Carmen Rose
Subject: DAL Development - San Felipe
Attachments: alternative.jpg

Dear Mr. Enderby and Ms. Xavier,

I live on Running Springs Rd, and it came to my attention the plans regarding DAL development off San Felipe. After analysing both plans, my conclusion is both plans are not addressing the existing community, COC. Here is why:

Regarding the plan presented by the City

- The easy connection between Grand Oak and San Felipe has major disadvantages to the people living on COC, as it will surely devalue some properties that now are given the status of cul-de-sac.
- Also the additional connection with San Felipe might increase the crime rate in our area. Meadowlands has that kind of configuration and the number of crimes is increasing in Meadowlands and we believe part of the reason is because of the easy access to their community with the existence of two exits to San Felipe.
- Opening Grand Oak will increase the traffic in Grand Oak, which will disturb our existing community.

Regarding the plan presented by DAL

- Even though DAL development is trying to address the concerns of COC, it does not address the concern of the people living here: the traffic increase along Running Springs Rd and Grand Oak will be a major concern for us.
- Also, the new houses that will be built along the "new Grand Oak" will not be integrated within the new community. Furthermore, the rest of the new community would not be able to enjoy the creek we have along Running Springs (very fun for kids).

So, we came up with yet another plan, that addresses some of the negatives from both plans presented. I would like very much that you take into consideration. I attached a copy of the new plan. In this new plan, all houses in the new community are connected within the community, but the new community can still interact with the existing community, COC, via the "link" between them (that is the cross-hatched area in the plan). This is what this new plan is trying to address:

- No direct connection of Grand Oak and San Felipe, which we believe will make COC more prone to burglary, unlike the plan provided by the City.
- No additional traffic in either Grand Oak or Running Springs.
- COC will have an emergency exit to San Felipe, whenever necessary (I live in COC for almost 13 years, and we had only two instances where we could have used another exit). The link between the communities would be "opened" on emergency situations.

- New community will be formed with all houses participating in it, unlike what have been shown in DAL plan.
- New community will be able to enjoy the creek along Running Springs Rd.
- New community will be able to interact with existing new community.

Please, I urge you to consider this new plan, as I believe it will benefit both COC and the new development. Please, do not make the new development pay a price of not being welcome even before it starts.

Thank you very much,

Luiza Carneiro-Coffin
6304 Running Springs Rd, San Jose, 95135

P.S. Note that my address will not be affected by the traffic issues, but I love my community and would make me very sad that some of my great friends would get so affected by a new development.

Xavier, Lesley

From: Enderby, Mike
Sent: Wednesday, July 08, 2009 8:04 AM
To: Xavier, Lesley
Subject: FW: Connecting Grand Oak Way to San Felipe

FYI

-----Original Message-----

From: Khoi Hoang [mailto:khoi-hoang@sbcglobal.net]
Sent: Tuesday, July 07, 2009 11:23 PM
To: Enderby, Mike
Subject: Connecting Grand Oak Way to San Felipe

Dear Mr. Enderby,

I am a resident in the Meadowlands area. We moved to this area three years ago because we like the pastoral setting and the quietness of the area. I understand that the city is considering a road that would connect Grand Oak Way to San Felipe. This road would run directly behind my house. We are completely oppose to this idea as this would create more noise and destroy the pastoral setting that we had wanted when we moved here.

Thank you for your consideration.

Khoi Hoang, MD
3613 Meadowlands Lane
San Jose, CA 95135

Xavier, Lesley

From: Enderby, Mike
Sent: Wednesday, July 08, 2009 11:32 AM
To: Xavier, Lesley
Subject: FW: Opposition to Connecting Grand Oak Way to San Felipe

FYI

-----Original Message-----

From: Kirk Nuzum [mailto:kirknuzum@yahoo.com]
Sent: Wednesday, July 08, 2009 10:56 AM
To: Enderby, Mike
Cc: Mace, Bonnie; diane.nuzum@yahoo.com; kirknuzum@yahoo.com
Subject: Opposition to Connecting Grand Oak Way to San Felipe

Dear Mr. Enderby:

As a resident of the Meadowlands, my family and I oppose connecting Grand Oak Way to San Felipe as currently proposed, which would allow direct access and the shortest path to San Felipe for the residents of California Oak Creek. We would request at a minimum that if Grand Oak Way connects to San Felipe that the street/road be configured to slow down and limit traffic through the proposed development by incorporating twists and turns into the proposed street/road.

My family and I will be unable to attend the meeting of the City Planning Commission tonight, July 8, 2009, however, we hope that you consider our request.

Regards,

Kirk & Diane Nuzum
3663 Meadowlands Lane
San Jose, CA 95135
408-238-0279

July 8, 2009

Thang Do, Chair
and Planning Commissioners
City of San Jose
200 E. Santa Clara Street
San Jose, Ca 95113

RE: **Agenda Item 3.b. – July 8, 2009**
Planning Commission Agenda

Dear Chairman Do and Planning Commissioners:

We ask that you approved the above reference Planned Development Rezoning to allow 35 single-family detached residents and recommend that the City Council approve the site plan referenced in the Staff Report labeled Applicant's Proposal.

We believe that after working and listening to the expressed desires of the surrounding neighbors (since 2004), that our proposed site plan best addresses the community goals to preserve the rural character of this neighborhood, to enhanced public safety and to create a greater sense of neighborly connectivity by placing a greater emphasis on pedestrian and bicycle use. We believe that this site best promotes quality interaction among residents and overall livability. As with the neighbors, we believe that the character, interests and livability of future residents and neighbors is best served by not connecting the road between Grand Oak and San Felipe, with the exception of emergency vehicle access or in the case of a neighborhood emergency.

Additionally, we believe that the Applicant's Proposed Site Plan is better suited to meet the spirit and intent of the City General Plan Policies on Neighborhood Identity No. 3 and Urban Design No. 3. We believe, along with the neighbors that this is accomplished through key site design elements included in our Proposed Site Plan that:

- Prevents through traffic connection (Grand Oak to San Felipe Road)
- Maintains the character of the neighborhood
- Provides for similar and uniform lotting pattern and avoids flag-lots
- Best incorporates the abandoned 25' road to avoid a blind alley effect and a dead end opened to the public.
- Enhances and expands existing Riparian Areas.
- Promotes/encourages pedestrian use and interaction of public open space areas especially recreational use along the Riparian areas.
- Creates a softer riparian edge with rear yards along both sides of the riparian corridor beneficial for habitat and use by residents
- Minimizes traffic levels through neighborhood interiors for proposed development and California Oaks residents
- Incorporates the abandoned 25' road to provide access for the rear yards to Meadowlands residents for maintenance without promoting further development on Meadowlands parcels while still permitting non-vehicular through public access.
- Encourages Public Safety

Unprecedented Public and Community Outreach Process

The outreach process that we undertook with the neighbors and community has been extensive as every issue, question and concern that was raised by neighbors was addressed through numerous meetings, e-mails and phone calls. In January of 2007, we received zoning approval for 22 single family detached lots having neighborhood support. As a result of our extensive outreach and work with the community, we have community support for our development proposal to add an additional 13 homes to create a total of 35 single family detached homes. The following outreach/timeline hi-lights provide some insight into the extent of outreach and collaboration undertaken with the neighborhood.

Outreach/Timeline Hi-lights

- | | |
|------------------|--|
| December 5, 2006 | DAL Memorandum of Understanding with Concerned Neighbors regarding the number of units and site design parameters for the ultimate build-out of the development. |
| December 6, 2006 | Planning Commission approved PD Zoning and Environmental Clearance (PDC06-092) with direction to address access issues for Mr. Sihu's parcel. |
| January 23, 2007 | City Council approved PD Zoning (PDC06-092). City Council direction to address access issues with Mr. Sidhu's and neighbors regarding the Sidhu parcel. |

Outreach/Timeline Hi-light (cont'd)

- November 28, 2007 Meeting with California Oaks neighbors to discuss Grand Oak Way extension proposing 6 single family lots culminating in a Cul-de-sac.
- January 22, 2008 E-mail notice to California Oaks and Meadow Lands neighbors regarding DAL Properties proposed extension of Grand Oak Way to create 6 new single family lots terminating in a Cul-de-sac.
- October 31, 2008 Lot line adjustment permit issued for land swap to allow for extension of Grand Oak Way to accommodate 6 single family lots culminating in a Cul-de-sac.
- April 22, 2009 PD Permit and Tentative Map Approval to allow up to 22 single family detached units including the extension of Grand Oak Way to create 6 new single family lots terminating in a Cul-de-sac. (no opposition)
- April 23, 2009 Court Order Default Judgment 'for abandonment of real property to public use' thereby incorporating existing 25' access road into the development. (DAL working together with 13 neighboring property owners and the City of San Jose.)
- May 27, 2009 Planning Commission approved GP08-08-02 and Environmental Clearance to allow 14 additional single family detached units on the back half of the site east of Misery Creek, where 6 single family detached units were permitted.
- June 16, 2009 City Council approval of GP08-08-02. (Consent)

Process Hurdles

Apart from the neighborhood outreach effort, this in-fill development faced difficult, complicated and time consuming process hurdles over-layed on a deteriorating housing market. These process issues created a less desirable but unavoidable approach to this development. Development application for the build-out of the entire site was delayed until the completion, culmination and approval of the East Evergreen Hills Development Policy (December 2008) and a legal process for securing a Default Judgment for the abandoned road. Additionally, numerous unrecorded and recorded easements over the property had to be resolved with neighboring parcels while still providing access until completion of future public improvements.

Request

We urge the Planning Commission to recognize the collaborative effort put forth by the Community, Developer and Staff and approve this Re-zoning recommending the applicants proposed site plan.

Thank you for your consideration.

Sincerely,

Mark D. Lazzarini, Managing Principal

cc: Charles W. Davidson, DAL Properties LLC
Mike Enderby
Leslie Xavier
Concerned Neighbors
Council Member Rose Herrera
Jennifer Malutta, Chief of Staff Council District 8

Enc.